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GLEANINGS OF PAST YEARS,

1843–78.

BY THE RIGHT HON.

W. E. GLADSTONE, M.P.

VOL. V.

ECCLESIASTICAL.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1879.

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I.

PRESENT ASPECT OF THE CHURCH.*

1843.

1. The actual state, and probable development, of religious tendencies existing in the Church of England supply a subject of consideration profound in its depth, inexhaustible in the interest which attaches to it. We can only hope to touch it here and there upon the surface. We approach it with the deepest impression, that in the present condition of the Church, charity, founded upon a sense of our Christian brotherhood, forbearance, and considerate forethought, are the very first requisites of useful discussion of her concerns: and if we positively offend against this rule, we have thus supplied in the outset the means of judging us out of our own mouth. As to the rest, if we require apology for venturing upon ground so sacred, we plead the rapid growth of the question in its importance and pressure upon the minds of men, the immense moment of its issues, and the aspect of universality which it has assumed.

2. Five years ago, a writer in the *Edinburgh Review*,

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* First published in the *Foreign and Colonial Quarterly Review* for October 1843. [There is something of a sanguine crudity in this Essay, which will be readily perceived. It may, however, serve as part of the materials, from which the religious history of a critical period will have to be finally written.—W. E. G., 1878.]

evidently actuated by a serious and earnest temper, examined the subject of what is termed the Oxford or Tractarian movement (and we will take the opportunity of asking pardon on the ground of necessity for using here or elsewhere a class of descriptive phrases always open to much exception), in an Essay on the First Part of Mr. Froude's Remains. Estimating the work as most men would then have done, the Reviewer evidently regarded it as little more than a feeble, casual, and desultory effort of the enthusiasm or caprice of a small knot of persons. The contrast indeed was drawn between Froude and Whitfield, as if between what is barren, transient, and abortive, on the one side, and, on the other, what has the true gifts of comprehensive view, and of creative power. The critic, approaching the close of his labours, writes thus, in a temper of evident comfort and satisfaction:

"Luther and Zuingle, Cranmer and Latimer, may still rest in their honoured graves: 'Take courage, brother Ridley, we shall light up such a flame in England as shall not soon be put out,' is a prophecy which will not be defeated by the successors of those who heard it, so long as their confessors shall be vacant to record, and their doctors to publish, contrite reminiscences of a desire for roasted goose, and of an undue indulgence in buttered toast."*

And again, in speaking of the passages he has quoted, the Reviewer proceeds to observe:—

"They may convince all whom it concerns, that hitherto, at least, Oxford has not given birth to a new race of giants, by whom the evangelical founders and missionaries of the Church of England will be expelled from their ancient dominion, or the Protestant world excluded from the light of day and the free breath of heaven."†

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* *Edinburgh Review*, July 1838, Art. X. "On the Lives of Whitfield and Froude—Oxford Catholicism," p. 530. † *Ibid.* p. 534.

3. Yet in nearly the most recent number of that Review, that for January of the present year, there are no less than three articles handling different parts of what in one of them is termed "that great controversy, or rather complication of controversies, to which the discussion of what are called high church principles has recently given rise;" a more remarkable and emphatic testimony, we apprehend, than any mere words could have afforded, to the magnitude in which the subject now presents itself to the public eye, to its comprehensive range, and the searching nature of its influences. The stone has grown into a rock, if not a mountain. In places and in publications, usually the most abhorrent of religious discussion, the force of circumstances has compelled the introduction of some notice of these controversies. On several occasions during the present year, while the Factory Education clauses were before the House of Commons, the increasing prevalence of Catholic sentiments in the Church, has formed a prominent topic in the debates of that assembly; the lower organs of the press are loud, and of course most extravagant, in their statements of the progress of the contagion; and even the philosophic radicalism of the *Westminster Review* has condescended to notice the matter, with censure full of apprehension and alarm. We conceive it must now be admitted, from the convergence of such various and unsuspected testimony, that the features of this movement force themselves upon the view of all, either for good or for evil, for reprobation or for encouragement. Consequently, no Review, which seeks in any degree either to inform or to represent the mind of the country, can wholly exclude the consideration of them, and of what they indicate, from its pages.

4. It is now somewhat more than ten years, since

four or five clergymen of the University of Oxford met together, alarmed at the course of Parliamentary legislation with respect to the Church, at the very menacing and formidable attitude of Dissent, in its alliance with political liberalism, and at the disposition manifested in the Establishment itself to tamper with the distinctive principles of its formularies. They met in private, and resolved to make an effort, through the press, to revive, not the doctrines, but the lively reception and impression of the doctrines, which relate to the visibility, perpetuity, and authority of the Church of Christ, and to the spiritual essence of her ministry and ordinances. The series of publications called 'The Tracts for the Times' were the first fruits of that meeting.

5. No secular power, no episcopal sentence, no courtly, aristocratic, or popular influences added one tittle of impetus to the movement which was thus commenced. The bishops had not recently been accustomed to instruct their clergy, in their Charges, upon matters connected with the constitution and authority of the Church; but rather upon such as had relation either to its circumstances as an establishment, or else to their pastoral duties in their parishes, and to the mode of preparation for them. Indeed we believe, that no single prelate took public notice of what is now known as the "Oxford movement," until it had reached its later stages. Its chequered characteristics, some four or five years ago, appeared to the Bishops of Oxford and Exeter, in particular, to require the administration of praise, mixed with warning, and even with censure. As to the Court and the House of Lords, no person, by word or act, has ever imputed to either, we believe, that they had part either in the merit, or the blame, attaching to the efforts for the restoration of

Catholic principle and feeling. The House of Commons, again, is only known to the public in connection with those efforts, from the circumstance that it has several times been the scene of vigorous or violent attacks upon them, contrasted with defences in a much more subdued and apologetic tone. The leaders of all the political parties in the State are popularly imagined to regard with the most decided aversion that which is called Puseyism or Tractarianism. The patrons of livings are generally men, who were educated at a time when all such questions slumbered in unbroken repose. Persons thus trained, it is well known, do not in mature or advanced life readily allow new elements of religious conviction to obtrude themselves among those, which they have already received, and which, having settled down into quiet equilibrium, might be materially incommoded by the vivacity of the new comers. We do not mean that, as a class, and as compared with other classes, they are otherwise than conscientious. We mean that, according to the constitution of the human mind, everything tends towards fixity, as life proceeds; and that, upon the whole, each generation of our gentry carry with them to the grave that set of doctrinal and ecclesiastical impressions, which they received at the University, without material enlargement or modification.

6. Upon the whole, then, looking to our ecclesiastical and political governors, and to those who, though neither strictly speaking the one nor the other, yet exercise so powerful an influence upon the Church, namely, the proprietors of the soil in the character of patrons, we seem to find, that every secular and human influence from above has been against, and not in favour of, the Oxford writers. Nor is it less material to remark, that the general ten-

dency of the times, and of other Protestant bodies, is in a direction wholly opposite to theirs. In the Church-establishment of Scotland, for example, during the very same decennium which is the subject of our present review, a movement of proportional magnitude has been in progress, and has in the spring of the present year found a consummation in the secession of nearly two-fifths* of its ministers.

7. This secession, involving the sacrifice of station and independent emolument for conscience sake, has been founded upon a reaction from the tame domesticated Presbyterianism of the eighteenth century, towards the advanced developments of the Scottish Reformation. Indeed we believe the charge of Puseyism has been, ridiculously enough, advanced against those who have remained in the Presbyterian establishment; for they thereby deliberately, and we doubt not conscientiously, continued to separate themselves from the communion of the Bishops of that country. And the movement in Scotland towards a more extreme Protestantism received its main impulsion from the same social and political concussions of the years 1831–3, which in England produced a precisely contrary result. Thus it is that in periods of pressure, men, and the institutions to which they belong, are driven back upon their first principles. The English Church, put upon her mettle, has shaken off the conventional and secular influences which clothed her in an Erastian disguise, and has lighted up, with the rapidity of wild-fire, the blazing title of Catholicity upon her brow. The Scottish, ridding herself of the very same accidental

* [An under-statement of the final result. See the 'Ten Years' Conflict.'—W. E. G., 1878.]

integuments, has displayed to the world the bony configuration of her Genevan skeleton. We say the Scottish Church,—for although it is true that the popular party in that body has now retired from its precincts, we apprehend there is no reasonable doubt that that party is the genuine modern representative of those who, in the sixteenth and seventeenth centuries, effected the separation of the Scottish nation from the Episcopal line.

8. We have been led by this contrast, almost unawares, to express the conclusion towards which we are naturally brought by the previous remarks: namely, that without taking particulars of exception into view, but regarding the operation as a whole, that operation has been a development from within of something rooted in the mind and sense of the Church herself; not proceeding from fortuitous causes, not coloured by individual caprice, nor by merely individual genius, piety, or learning, but a tribute providentially supplied to the imperious necessities of the time, whose emphatic language sounded in the ears of the English Church, bidding her either to descend from her high place, or else to assert its prerogatives, and discharge its duties. It was impossible for her any longer to stand in the public opinion upon the grounds of political utility, of national tradition, of an accommodating tone of doctrine, too long and too widely prevalent, which, instead of rousing dead consciences like a trumpet, made itself in a certain sense agreeable and popular, by humming and lulling them into deeper slumbers. Administrative abuses, such as non-residence, pluralities, and the progressive reduction of sacraments and other services, had reached a most frightful height; and the progress of reforms, late begun, for some time appeared to be so slow, that it was

to be feared the scythe of the destroyer might overtake them, and remove the abuse and the thing abused together. The clergy were, as a body, secular in their habits; and, unless in individual instances, had fallen altogether below the proper level of their lofty calling, although they continued to be much above that of general society.

9. The lives of the portion of our youth, intended to recruit their ranks, were generally unrestrained; and they passed at the period of their ordination, from indifference or dissoluteness to decency, rather as a matter of social arrangement, than as the fruit of any religious emotion, or effectual training for the most sacred and awful of all functions. Those, who were pious and earnest, had for the most part to frame standards of character, of discipline, and of action, for themselves; so that the priestly type, in its sanctity and elevation, was almost obliterated. A faithful few, indeed, ever continued to exhibit it, and, in their teaching as well as in their life, to embody the true spirit of the Church: but they were lights rather each to his own sphere, than to the country as a whole. In fact, the Church of England at large had seemed at one time to be rapidly approximating, in practice, to the character of what a powerful writer * denominates, in homely phrase, "a sham"; an organisation of vast dimension and detail, professing to convey to the door of every native of the country Divine grace and knowledge, but really being, and meaning to be, little more than a provision for supplying younger sons, tutors, and incapable persons in general, with an independent livelihood, and a position in society; and for the perfunctory discharge of a minimum

* Mr. Carlyle

of religious offices, in public places but just kept weather-tight for the purpose, without the establishment of anything like a personal and spiritual relation between the pastor and his people, and without the smallest appreciation of the high and holy aims embraced in the adjustment, by our forefathers, of her services and her discipline.

10. This, we say with pain and shame, was what the Church of England appeared to be about to become. It is true that amendment had commenced before the year 1833: but while this was the case in particular parishes, in other localities the process of degeneracy and decay was still regularly advancing, as the nature of all corruptions is to go from bad to worse, unless and until, by some vigorous check, and the infusion of a new principle, the course is reversed. Many excellent Bishops were striving to stem the tide; and, in particular, we apprehend that the present Bishop of London* will be honourably remembered by posterity, as one of our earliest and most efficient reformers of practical abuse. But the efforts of individuals, and even of individual governors, were feeble against a general deterioration; the more so, since the reaction in favour of personal piety was connected with a school of doctrine wholly destitute of the spirit which pervades the sacramental and ritual system of the Church; and since, accordingly, it assumed a form distinct and even alien in the public view from hers, and appeared less bent upon the revival of her institutions, than upon devising new modes of development for the religious life of the country, which were to be substituted for the ancient channels seemingly well-nigh blocked up.

* Dr. Blomfield.

Personal zeal, faith, and love increased; new forms of association were invented; new services were devised, based not upon liturgical models, but upon the practices of the Puritans, or approximating to them as nearly as the state of discipline, and of a public opinion still regardful of what was established, would allow in each particular locality. A sort of school of popular divinity arose, common in what it included to churchmen and dissenters, and therefore necessarily excluding the great principles, which have since so much more powerfully asserted their position.

11. In this detail we do not wish to undervalue the importance of the amendments actually made, nor the honour due to those concerned in promoting them, nor, let us add, the shame attaching to many who persecuted, to the utmost of the small power allowed them, the Evangelical teachers.* But we seek to point out this momentous fact, that they were amendments made by certain persons in the Church, not by the Church herself. On the contrary, they were connected with elements actually tending to disorganise her distinctive constitution, and to assimilate her in everything, but a set of external forms, scarcely worth contending for when divested of their sacred companionship with the deepest principles, to the societies which profess an anti-Catholic Protestantism. Had the divinity of Mr. Scott, for instance, given the tone to the whole body of our clergy, and to our laity in the mass, it is clear that whatever good effects might have been produced by it in some, and those two most import-

* [I retain in full the sentiment here expressed. But justice requires me to observe that the persecutions to which I referred were verbal only. They conformed to the precept of Athénè (Il. i. 210)—

"Rail if thou wilt, but draw thou not the sword."

W. E. G., 1878.]

ant particulars, it would have engendered a spirit, that must absolutely have required our formularies to be remodelled in the Genevan sense. In the Evangelical movement, as such, there was no promise for the institutions of the Church, but rather a prospect that they would be more and more dissociated from all true spiritual meaning; that they would then be relaxed and dispensed with, as superfluous in themselves, and as causing unnecessary divisions in the Christian world; and this in an order commencing with such Services, and parts of Services, as most prominently declare the doctrines of what we may call the Catholic or Sacramental system.

12. We do not mean that there were no moral affinities, no capacities even of close alliance and amalgamation, between the teaching of those who are ever to be honoured for their witness to the doctrines of grace as opposed to those of a narrow, frigid, and abstract morality, and that of the later school, who have brought into general prominence the doctrine of the Church, as the living and perpetual stewardess of the ordinances of grace. Who, that remembers the writings of Nicole and Pascal; who, that cherishes the memory of the yet more venerable and mighty name of Saint Augustine, can fall into the vulgar error of supposing that the champions of the doctrines of grace, and those of the high spiritual theory of the Church, must necessarily be found in opposite ranks? On the contrary, the sum and substance of our charge against the Evangelical system, such as it was thirty years ago, is, that it was a partial and defective system, and required the admission of new and potent elements. But, as matter of fact, this unnatural and false opposition between ordinances and grace did exist, to a certain extent, in this country. The secret, so to speak, of the close relationship

between what is Catholic, and what is, in the best popular sense, evangelical, had not been discovered. It was assumed on the one hand, that those who taught the grace of baptism must be Arminians at least, with a Pelagian leaning; and, on the other, that it was impossible to set forth freely and warmly the truths of original sin, of the Atonement, and of the influences of the Spirit as the root and first spring of holiness, without reducing the sacraments to naked signs, void of all proper spiritual efficacy.

13. We do not say that the elements of which the best theological teaching ought to be composed, have as yet, in any school, or in any large proportion of writers or teachers among us, adjusted themselves, by their reciprocal action, in a perfect equilibrium. But the fundamental proposition which we seek to establish and illustrate is this; that the popular divinity of thirty years ago, although it had indeed many recommendations in comparison with that which it resisted and displaced, and although it sprang from the vivid reawakening of religious instincts and desires, yet did not spring out of, nor stand in harmonious relations with those principles which belong to the constitution of the Church, and did not avail to secure for those principles, and that constitution, their proper place in the Christian system. And thus the restorative process, which we rejoice to honour even in its crude commencement, was both narrow in its extent, and, what was worse, faulty in its quality, because it did not comprehend the elements necessary for its own permanent immunity from deteriorating influences.

14. But strange indeed it would have been,—at least in the view of those, who regard the Church visible and Catholic as the everlasting Spouse of Christ, dowered

with the gifts which He purchased by His blood and tears,—most strange to them it would have been, if in a great religious revival, that Spouse had not found herself a voice for the assertion of her prerogatives. It is not, indeed, for her to do battle with her foes, like earthly potentates, for the sake of acquisition or possession, of admiration or renown; but her prerogatives are also her duties, and by them alone can she discharge aright the high trusts committed to her by her Lord. And so, in an order which seems to us to bear every mark of the hand of Almighty wisdom, after that the embers of faith and love had been extensively rekindled in thousands upon thousands of individual breasts throughout the land, there came next a powerful, a resistless impulse, to combine and harmonise the elements thus called into activity, to shelter them beneath a mother's wings, that there they might grow into the maturity of their strength, and issue forth prepared for the work which might be ordained for them to perform. This was to be done by making men sensible, that God's dispensation of love was not a dispensation to communicate His gifts by ten thousand separate channels, nor to establish with ten thousand elected souls as many distinct, independent relations. Nor again was it to leave them unaided, to devise and set in motion for themselves a machinery for making sympathy available and co-operation practicable among the children of a common Father. But it was to call them all into one spacious fold, under one tender Shepherd; to place them all upon one level; to feed them all with one food; to surround them all with one defence; to impart to them all the deepest, the most inward and vital sentiment of community, and brotherhood, and identity, as in their fall so in their recovery, as in their perils so in their hopes

as in their sins so in their graces, and in the means and channels for receiving them.

15. That, therefore, which we are now discussing, was not the original and casual thought of three or four or more individuals; it was a link in the great chain of causes and effects, by which the mind of this country has now, for half a century and more, been made the subject of so remarkable and of so general a religious progression and development. To have had the smallest share in impelling the movement of which we speak, was indeed an honour; to have had a greater share in directing it, a surpassing crown; to have marred it by temerity or excess, among the heaviest of sorrows. But do not let us suppose that, in contemplating it, we are contemplating an affair of mere individual volition. It is, as a whole, the divinely prompted answer of our Christian humanity to its own cry for its proper meat and drink. It is as much the offspring of providential necessity, as any great historical event of any age. Let us add, it was the infallible sequel and complement of the work of religious renovation. That work began apart from, and almost in antagonism to, ecclesiastical rule. But it never could be complete, or fully worthy of its Author, until it ceased to deal with men as isolated individuals, and steadily and uniformly regarded them as members of that Divine society, within which they are appointed "to grow up into Him in all things, which is the head, even Christ; from whom the whole body, fitly joined together, and compacted by that which every joint supplieth, according to the effectual working in the measure of every part, maketh increase of the body, unto the edifying of itself in love."*

* Eph. iv. 15, 16.

16. It may be said that this is theoretical reasoning; that it indicates what should or might have been, according to the arbitrary notion of an individual writer, and not what was. But let it be submitted to the test of common observation. We assert, without the fear of contradiction, that the progression of which we speak is, as a whole, the progression not of a party or section, but of the Church. Some few individuals there may be, who may have been scared through their own sensitive timidity, some few who may have been scandalised by particular excesses or defects of act or language, into a mood of more decided aversion or suspicion towards Catholic principles and practices, than any of which they were formerly conscious. Yet even here, as we believe, the process has rather been to evoke what had been latent, than to infuse what was new. But when we speak of the country and of the Church at large, it is evident that the body, as a body, moves forward, from year to year, we might almost say from day to day, in the line of Catholicism: of Catholicism we admit, regulated and tempered by the Anglican mould in which it has been cast, but involving all its essential principles, and more and more predisposed to their development.

17. Shall we call evidence in proof of this position? Listen to the allegations of Dissenters. Remember the language which they held, and we doubt not, held according to their own consciences, during the present year, for the defeat of the Educational clauses of the Factory Bill, proposed by the ministers of the Crown. One of the leading allegations from all quarters was, that the plan proposed to entrust a paramount influence in the training of the young, to a clergy infected as a body with what they term the most essential and worst peculiarities of

popery; a clergy containing, they admit, a number of members not thus defiled, yet this a decreasing number, and in its corporate character justifying the charge which they have made.* The Wesleyans, indeed, contrasted the scheme of 1843 with the Bill of Lord Brougham, about a quarter of a century ago, in this very respect, that the disposition of the clergy to put prominently and generally forward the distinctive doctrines of the Church, has, during that interval, assumed a form altogether new. But some will say, they are enemies: they are prejudiced.

18. Shall we then turn to a very different class of witnesses, the Episcopal Charges of the last few years? Certainly, in this resort, we are not doing injustice to the opponent, because there is scarcely one of those Charges that does not convey some degree of animadversion upon particular writings, or tenets, or practices, of the Oxford divines, or some of their adherents. We have seen those of the Bishops of London, Durham, Winchester, Salisbury, Exeter, Chester, Llandaff, St. David's, Ripon, Lincoln, Gloucester and Bristol, Oxford, and Worcester; a goodly squadron! They are the only ones, as we believe, which have been generally circulated, and almost the only ones which have been delivered. Let any person examine them as a whole; and we do not fear his verdict. He will find that there is indeed not one of those Charges that tends (to employ language which has attracted much notice) to "unprotestantise" the Church of England, or to make it retire further and further "from the principles,

* See for example the Letters addressed by the Wesleyans of Leeds to Mr. Wortley, the member for the West Riding. Most of the Resolutions passed at the various meetings of Dissenters advert to the same topic.

if such there be, of the English Reformation." Yet on the other hand, it will also appear, that there are very few of those Charges which do not tend to Catholicise the Church, not by imparting what it has not, but by exhibiting and enforcing what it has: very few of them which do not tend to check the action of those destructive elements, which gave even to the English Reformation a portion of its impetus; and to assert and vindicate the legitimacy of those great tenets relating to the Church and to the Sacraments, which are after all the matters really and fundamentally at issue, in the present conflict of minds and sentiments. Of the thirteen Charges we have named, we conceive that this description applies without doubt to nine: of the remaining four, there is but one which seems explicitly to convey a low doctrine of the Church and the Sacraments, and even that, as we conceive, is made up of irreconcilable propositions.

19. The fact that they generally notice with regret or disapprobation, either the Oxford writers as a school, or some portion of their acts or expressions, does but tend to strengthen our position, the full apprehension of which we conceive to be absolutely necessary in order to any sound view of the question, that the development of Catholic tenets and practices in the Church of England is essentially a development not confined to a section, but pervading the body at large. We do not now inquire, nor do we beg the question, whether it be consistent with her reformed institutions, and with a cordial and loyal attachment to them; but we fix it in view as a fact, almost alike admitted and alleged on all hands, though by some for lamentation not less than by others for thankfulness, that there exists a certain sympathetic action, which has affected the mass of the clergy and laity of the

Church of England, and which advances from year to year in a direction essentially the same as that indicated, at all events during their earlier stages, by 'The Tracts for the Times.'

20. We have cited the Dissenters, we have quoted the Bishops. Shall we quote the altered and altering architecture and arrangements of our churches—a change closely akin to the operation of the most important principles? The increasing frequency of sacraments and services? The vigour of those efforts, which the Church has made and is making for the organisation of her full apostolical constitution in the Colonies? Shall we cite the important recognition of the principle of religious unity, which will assuredly carry its consequences with it, in the adoption by the Church Missionary Society, and by that for the Conversion of the Jews, of rules which, for the first time in the history of those bodies, have recognised the authority of the Bishops of the Church as such? Shall we remind our readers that the Ecclesiastical Commission, which, in the Act of 1836, was composed of eight laymen, of three prelates *ex officio*, and of two prelates removable at pleasure, by the Act of 1840 comprised all the Bishops of the realm of England and Wales as such, nay, made them a large majority of the corporation? Or that the Bishops of Scotland and their clergy were, about the same time, relieved by an Act of Parliament, passed with universal assent, from the ignominious and schismatical disability, under which they had been placed by the prohibition to officiate in England or Ireland, contained in the Act of 1790?

21. Nor is it enough to appeal to public and glaring signs of the advancing influence of the cardinal principles of religious communion. Let each man exercise his own

observation in detail, around his own immediate circle, upon the objects which there fall within his view. In almost every case he will perceive that, underneath all the public excitement and alarm, and amidst the stir of prevailing controversy, there is, notwithstanding, a general growth of the perception of Church order and authority, as a constituent part of the laws of our religious life; that an ecclesiastical temper makes constant advances, upon the whole, both among the clergy and the laity; that there is an increasing thirst for all sacred ordinances; and that, even in protesting against the excesses, real or presumed, of Tractarianism, men in general, with the exception of a few, a very few, unruly spirits, are coming more and more under the power of those essential principles which have earned both its honours and its nicknames. Indeed, more than justice has been done to the name of Tractarianism, as well as less than justice to that which it is taken to indicate. Principles authoritatively professed by the Church of England, and entering deeply into her essence, taught even at the worst periods in the Church of England, and uniformly enforced by her great divines, have by intrinsic weight forced themselves once more into the general view. We contend that those who denominate this restoration of the system of the Church herself Tractarianism, err as much in excess of honour to the term, as in defect to the substance.

22. It is, however, an old stratagem of persons engaged on behalf of a party, to endeavour to identify their party with the country at large, not by throwing open the first to the larger and more generous influences of the other, but by disguising in the garb of the country the narrow and selfish and partial aims of the party. Nor have we

the smallest right to claim credit for sincerity and for self-knowledge when we aver that the object of our affection and solicitude is emphatically the Church, and not a party in the Church. We do not call upon our readers to accept it as a *dictum* of authority, that certain modes of thought and feeling are daily acquiring a more and more general sway. But, having propounded this as a *thesis*, we endeavour to support it by quoting the testimony alike of those who adopt and of those who repudiate them, and by appealing to the evidence which the ordinary observation of individuals, and public notoriety, supply in such abundance.*

* * * *

23. Another cluster of signs, apparently hostile to that allegation, may be found in several pamphlets which have been published by three clergymen† on the subject of the Charge delivered in the autumn of 1842 by the Bishop of London. We believe that these tracts, which are aimed chiefly at the doctrinal parts of that Charge, are the offspring of purely individual sentiments. No general interest or vivid response has been excited by them. They proceed from persons, whose school of opinion belongs essentially to a transition state: one that had its climax in the last generation, and will probably, within the

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* [I have struck out the next two paragraphs, mainly of a somewhat ephemeral character. They animadverted on the sentence, then recent, against Dr. Pusey, for a Sermon on the Holy Eucharist. They approved, by implication, of the censure passed on Dr. Hampden by the University of Oxford. This censure, alike in its form and in its substance, I have very long regarded as a great error, chargeable alike on the High Churchmen of the day and the Low. Though I had no direct concern in the act, I wrote many years ago to Bishop Hampden to express the opinion I have here given, which extends to other acts of proscription.—W. E. G., 1878.]

† Dr. Holloway, Mr. Yorke, and Mr. Sutcliffe.

Church, have its *quietus* in the present or the next. As individuals, they may be immovable in the traditions which they have received from Mr. Scott and Mr. Simeon: but, as a class, they are so much at variance with the fixed formularies of the Church, from the narrow and starveling form of their doctrine, that they are under a moral necessity of becoming either better in their sentiments, or worse in their position. They will perhaps move gently onwards with their fellow-churchmen to a fuller appreciation of their own office, and of the rites they are appointed to administer. If not, their position, which was only just to be endured at a period when the rubrics were a dead letter, and when the baptismal Service was not made the foundation of the pastoral care, as Baptism itself is of the Christian life, will become quite intolerable, when the reinvigorated institutions of the Church remind them at every turn of the discrepancies between her essential tone and theirs. But the former of these alternatives will be, we believe, the common one, as it is also the one to be desired—to be devoutly sought by desire and prayer. For the Church can spare the fervour, energy, and love of none of her sons; and sad indeed it were, if those who seemed first to acquire the sympathetic consciousness of her own intensity of yearning for the souls of her children, should hereafter prove incapable of comprehending the more mature and perfect lessons of her wisdom, and should go forth from her bosom, and from the circle of gifts and blessings, her perpetual inheritance.

24. Having spent thus much of time and space in describing the extent and range of what is so insufficiently termed the Oxford or Tractarian movement, we proceed to urge some considerations concerning its character, and

its actual and probable effects. To have established that it is wide and general in its scope, does not lighten the pressure of this matter, but increases it. If it be true that hold has been taken of the Church in all her ranks and orders, if she be herself the subject of a great moral and spiritual development, every particular notion or practice which has been brought before the world assumes a tenfold importance, because it is clear that her own destinies and the fortunes of this mighty nation, which, in the last resort, she chiefly regulates, are involved, perhaps vitally in the issue. It is not now what a few preachers, or fellows of colleges, with a set of bigoted adherents to antiquated notions at their heels, may think or speak, that we are discussing. It is, what form and attitude are to be permanently taken by a most important member of Christendom, by the national Church of the greatest Empire of the world, which Rome herself regards as the head and chief of Protestantism, at a period which seems to be charged with the preparation of cardinal changes in the state and condition of mankind. And woe must be to those, who suffer narrow and unequal prepossessions, however fair the name under which they may take shelter, or any other human or secondary respect, to divert their view from searching the profound depths and lofty heights of this question itself to the mean objects connected with party and individual will; with the weakness, or the waywardness, or the selfishness, or the malice, in which our hearts abound until they have been thoroughly proved and purged by the force of Divine discipline.

25. Is, then, that which we have affirmed to be the as yet crude but genuine and powerful working of religious instincts, prompted by the Divine lessons in the necessity

of the time? Or is it, on the contrary, as some would aver, a hateful, traitorous device of the evil One, to rob the nation of its blessings and its treasures; to chain up the word of God; to bar the view of the Redeemer's throne, by interposing a crowd of created mediators; to defile the fountains of Christian purity of act and motive, by fixing rated compensations for sin, under which penitence itself becomes the pretext and the means of encouraging hardened disobedience of heart and life; or by adjourning until after death that holy discipline, which the wondrous scheme of human life is constructed to administer? Are we to cast disgrace upon the names and memory of those, who, three hundred years ago, as we supposed, had rid the Church among us of gross corruptions, and set her free for the pursuit of her holy warfare with renewed life and vigour? Is our national history bound up in great part with the grand protest and struggle that originated in their time, and resting upon it for much of its meaning and character, to be disowned and dishonoured by our return to crouch at the feet of the Roman Bishop, to admit his impositions, and to implore his pardon for our long denial of his sovereign authority? "Never, never, never," said Lord Chatham, would he, if he had been an American, have laid down his arms under oppression. "Never, never, never,"—would that we could add to the emphasis of his words,—will this people so forego its duties and its rights, as to receive back again to its bosom those deeply engrained mischiefs and corruptions, which Rome and her rulers still seem so fondly, God grant it be not inseparably, to cherish.

26. What, then, is the aspect of the Oxford movement towards Rome? Or are there aspects more than one? What is the actual state of feeling amongst us on the

subject of reunion with the Papal See? And what is the temper with which, according to our duty as men and Christians, we should regard her?

During the last eight or ten years, there have been made known to the public about as many cases of individuals who have been unhappily perverted from their allegiance to the English Church, and drawn into that schismatical communion over which the delegates of the Pope in England, with the name of Vicars Apostolic, preside. These cases have, naturally enough, been the subject of much animadversion and remark; and from them the inference has been very hastily and wrongly drawn, that, as a whole, the Catholic movement in this country is a movement towards a surrender of our spiritual liberties, by amalgamation with the actual Roman system. Three, we believe, of the persons in question have been clergymen, and one or two were junior members of the University of Oxford. But the only one among them, so far as we are aware, who was of the smallest note or experience as a teacher of religion, was Mr. Sibthorp, a popular and eloquent preacher. Much as we deplore the loss of a spirit so affectionate and devout from among us, at a time when patience, gentleness, and love are more than ever pressingly essential for our well-being, we must derive consolation on the part of the Church from reflecting, that Mr. Sibthorp was not one of those who had at any period acted in co-operation with Dr. Pusey and his friends; and that, although shortly before his abandonment of our communion he had sympathised with them, yet it was on his passage from the avowal of Low Church doctrine towards Romanism, that he, as it were, halted on their ground for a moment. He himself has ingenuously stated to the world, that the perusal of 'The Tracts for

the Times' actually delayed his removal into that communion of which he is now, we believe for the second time, a member.

27. If such be the case of Mr. Sibthorp, much more easily may it be said of the other brethren gone astray, that their unhappy lot should raise no prejudice against Catholic doctrines in the Church of England; for there is no proof that they were in any degree instructed in their real nature, or knew how they tend to fasten upon us the sense of her authority, and her commanding claim to our obedience. It is indeed perfectly possible, that the remote, indistinct, ill-instructed notion of these doctrines might have tended to mislead them; even as some, in the earliest times, supposed themselves to find in the doctrine of grace an excuse for continuing in sin. It is further possible, that the love of what is externally grand and moving in public worship, and the ideas prevailing among us with respect to the merits of the Roman Church in this respect, may have helped to bewilder persons of unstable mind, and to attract them, through the medium of their sympathies, by such a force, as drags a weak and ill-informed judgment along with it. It is possible, we grieve to add, that two other causes may have assisted in the production of these secessions. One is the imprudence and uncharitableness of some who suppose themselves the best or only supporters of Protestantism, which indeed Mr. Sibthorp distinctly names as a great instrument in the production of his own change. The other is the coldness towards their own spiritual mother, of some few of those who have laboured hard among us for the revival of Catholic feelings.

28. The loss, however, of these clergymen, no one of them high in station or distinguished as a divine, from

a body of fifteen thousand persons in holy orders, and of five or six lay members from a Church of twice as many millions, in a period of ten years,—for this is all that has been brought before the public,—is no very serious or alarming symptom of the approach of a general apostasy. And it is just to reflect, that these ten years have been years of greater mental excitement in the Church of England, than any that have agitated her for two, or, perhaps, for three hundred years. When the Wesleys began to rouse the national mind on the subject of personal religion, one of the consequences was the defection of a few clergymen, as well as, by degrees, of a large number of the laity, from the Church. They did not teach the theory of schism, nor did they sympathise as individuals with dissent. Yet, in the movement which they excited, there was a secret affinity favourable to it. Their operations were aimed at portions of the fabric of established and customary notions, and in shaking a part, they frequently brought down the whole. They taught what was different in many respects from the existing system, and because dissent was different from the existing system, dissent reaped a portion of the fruits.

29. There is a well-known form of false syllogism, as follows: A is not B, and C is not B, therefore A is C; corresponding with the false form of axiom, things unlike the same are like one another. Nothing can be more palpable than the absurdity, upon paper. But this presumptive similarity between things united only by a common antipathy is a principle of great practical power over the human mind and conduct. More especially is it so, where the systems mainly related by such an antipathy have at the outset something which to the vulgar view is like a common direction; as, for instance, the arc

of a circle and its tangent. And thus the teaching of the Catholic schools in the Church of England, went to represent to its members, as the true and normal system of religion, something flowing, indeed, out of her formularies, or at the very least, and in the most unfavourable view, consistent with them. But this scheme was obviously so far removed from the actually prevailing tone,—we should add, so far elevated above it,—that, as represented by jaundiced or incautious teachers, it appeared to be a sort of new creation, an essence different from that formerly known. The Romish polity was also something different from, and hostile to, the established system: there was an apparent and *primâ facie* relationship between them; the language of both ran high upon antiquity, tradition, authority, rites, symbols, sacraments, mortification, and, to sum up all in one most powerful word, unity. The impulse intended for the one, may thus have been insensibly attracted towards the other.

30. Rome had the presumptive advantage over Anglo-Catholicism, that her teachers had been more uniform in holding this language, while her rival confessed that for a century most of her living children had but muttered it. Under these circumstances, is it matter of wonder, that the subtle temptation to join the largest of all existing Christian communions, the highest in her claims, and the one vulgarly supposed to have maintained unbroken the chain of her traditions, should have occurred to many, should have been fatal to a few? In that hour of the perplexity of the understanding, to which candour itself and Christian love, in the difficulties of controversy, so powerfully contribute, when the balance of evidence has seemed to waver, there passes in dim vision, before the view of the imagination, the long line of saints and

doctors, of virgins and ascetics; it sees the solemn procession, the illuminated altar, the prostrate crowd; it hears the sweet music, it smells the savour of the fragrant incense; the spirit seems to realise its beloved purpose of perfect prostration before God, profound concentration of love upon Him, entire satisfaction of all the faculties in His worship.

31. All this occurs to the mind, and with this a background of institutions intended to give permanence to its lofty tone, to secure the recurrence of these hours of rapture, and at the same time to apply the rod of daily chastisement to wayward appetite and selfish will. The whole of these imposing objects is mellowed and softened in that golden distance, which hides the revolting companionship that a nearer view discloses. And perhaps, last of all, the tottering and bewildered mind recurs to some savage invective in newspaper or magazine, which brand with the doubly damning guilt of idolatry, and of gross hypocrisy, worn for no other purposes than those of the most sordid avarice, all such persons as, abiding in the English Church, estimate it to be Catholic in its basis and in its tone, and seek to make it more and more so in its living members. Is it wonderful, we repeat, considering the power and fascination of the images we have thus faintly delineated, and the interfusion of partial truth in their magic combination, and considering how the sense of injustice and cruel wrong, and of Christian honour wounded in the tenderest part, and the hopelessness of overcoming antipathies of an almost fiendish intensity, distract and befool the mind of man, and drive it to acts of desperation; is it wonderful that the temptation to seek even a false repose in the bosom of Rome, should have occurred to many, should have been fatal to a few?

32. It is, in our judgment, far more wonderful to reflect, that of the many to whom this masterpiece of temptation must have been offered, they are so few to whom it has been fatal; so few, that neither in number, nor, as we believe, in almost any element of just weight and consideration, have the defections of the last ten or twelve years to Rome been more serious than those which have taken place during the same time from the communion of the Church of England to one or other of the forms in which the system, now half exhausted and effete, of Protestant separatism has clothed itself. We do not conceive that two clergymen can be named of the seceders to Rome, equal in influence, standing, and fame, to Mr. Evans of London, and Mr. Bulteel of Oxford, both of whom have separated in the opposite direction. Mr. Sibthorp was, indeed, if our recollection be accurate, the successor of Mr. Bulteel in the leadership of an ill-defined evangelical or Calvinistic school, among the young men of Oxford; but no second name, so far as we are aware, can be produced to complete the parallel.

33. But further; what, if it should appear, that the deserters to Romanism, during the last ten or twelve years of formidable excitement and alarm, are not more, or more important, than those of the preceding decennial period, when Tractarianism had not yet been born? If the one term has its Sibthorp, the other has its Spencer; with him were also, we apprehend, Mr. Ambrose Philips and Mr. Digby. These are names entitled to weight, and not easily to be matched from among those who have left us during the more recent years. We have thus slightly compared the secessions to Rome of a given period with those of a former one, and likewise with the secessions to Protestant Dissent. We might also compare the con-

versions to the Church of England and Ireland from Romanism, and from separated bodies of Protestants with the changes in the opposite directions. We apprehend that the results would not be disadvantageous in either of the cases supposed. As respects Presbyterianism, for instance, within the last two years we have seen the reunion of three of its ministers; one of them, Mr. Marshall, the beloved and popular incumbent of an important parochial charge in Edinburgh. It would not, we believe, be too much to say, that the applications made to our bishops for ordination by dissenting ministers are numerous, to a degree of which the public has no conception; and though our institutions are by no means framed to facilitate the transit of converts in the manner of those of the Roman communion, we conceive that certainly not a less number of priests have during the period immediately under review passed from her to us, than *vice versâ*.

34. We cannot quit this part of the subject, without fervently recording it as in our mind a matter calling for the most profound thankfulness, that the mischief done in this form has been so small. We firmly believe, that in the day when the secrets of all hearts are revealed, it will appear, that many and many an one has, in these last years, deeply pondered the subject of the bold claims of Rome on our allegiance as Christians. The nature of those claims almost forces their consideration upon theological inquirers. The clamour of Popery against the profession of catholic principles in the Church of England has riveted that necessity. In the chambers of many a heart has that matter been sifted and revolved: on the one hand, with varying force, have marshalled themselves such inducements as have been above described. Upon the other side, men have reflected that the question is not

of appearances, but of realities, not of delights, but of duties; not of private option, but of Divine authority. And that solemn and imposing imagery which wins souls to Rome, has, in the English mind, as we judge, been outshone by the splendours and overawed by the terrors of the Day of Judgment; of the strong sense of personal responsibility connected with that last account, and of the paramount obligation which it involves, conjuring us by the love of the Redeemer, not less than commanding us by the wrath of the Judge, to try and examine well the substances lying under those shows that surround our path, and to suspend upon His changeless laws alone the issues of life and death.

35. Minds thus tempted, have repelled the fascinations of Rome by the reflection, that the title of the Church to our allegiance by Divine charter, is the question that overrides the whole controversy. This question must be determined, under the grace of God, through reference to the sense of Scripture, vindicated by Catholic consent against corruptors, and through the patient investigation of history. If, by these processes, we find the criterion of Catholicity to be present in the Church of England, if her message be in itself the ancient deposit of faith, and if she can show her warrant to deliver it, the matter is at an end. She is the ambassadress of the Great King; she is the true keeper and witness of His word. From none other can we presume or pretend to receive it, without so far substituting a human gospel for a Divine one. She has the charge to feed the sheep and the lambs of Christ; and from her bosom they will draw the sustenance, with respect to which it is enough, it is all in all, for them to know, that He has appointed it for them. It remains almost superfluous to add, that, therefore, whether it be

the sweetest to the palate, or whether it be not, it is the fittest and the best, and will nourish those, that refuse it not, to the healthiest tone and the amplest stature. "We wait for thy loving kindness, O God," says the Psalmist; and where? it is "in the midst of thy temple."*

36. It is not, then, where the apparent consolations and delights of the moment most abound, that they think it their duty to pitch their tents, as the chosen spot in the desert of the world. But what is consolation, and what is delight? The state of the recipient determines the answer to these questions. If we see the promise of greater joy where the finger of God points us not, either that promise is a phantom of magical illusion, or if it be true joy, it is ours; withheld from us for a time, in order that, by wanting it, we may acquire the dispositions necessary for its full appreciation; and, in due season it will be ministered abundantly to those who are better pleased to await the accomplishment of the Divine operations, than to endeavour to precipitate their predetermined issues. The same lesson which is applied to the repression of fleshly appetites, must also be brought to bear against appetite in its higher forms, and must teach those who crave for spiritual luxuries, that they are not living here for enjoyment, but for exercise; not for the prize, but for the battle: that whatsoever winged moments and glances, whatsoever crumbs and morsels, and merciful foretastes of bliss, may be imparted to the pilgrims through the wilderness, are only given to stimulate them in their work; that they are poison, in so far as they have any other effect than to quicken and invigorate its performance; and that that work necessarily is, to walk

* Ps. xlviii. 8.

in the path which God has bounded for us on this side and on that, and to quell every rising murmur and the disposition to repine. Without resolutions such as these, there is no pretence to the name of Catholic, nor are there even the rudiments of the character whose type, majestic and indestructible, it is. And, accordingly, for the very reason that there has been so much anger and soreness, so much misapprehension, and so much persecution of late years, do we find in the fact that the sufferers remain, as we may say, unbroken and entire in the communion of the Church, cause for the profoundest thankfulness and joy.

37. At the same time, having spoken thus confidently and gratefully with respect to the security of the Church at large, as attested by the events of the last few years, from the incursions of Romanism, we must allow that there is another view of this question, in which it admits and requires the use of different language. It cannot be forgotten that the original pretensions of those, who have been connected with the Catholic movement, were extremely high upon one particular point of the aspect of that movement towards Rome, and amounted, indeed, to this—that one of its peculiar characteristics lay in the strength which it gave to Anglican as compared with Romish claims, and in its tendency actually to prevent defections in that direction. Dr. Pusey, we think, in the first instance, and after him others, contended, that no person well instructed in the distinctive principles of the Church of England was ever known to have left her for the Church of Rome.* While it is notorious, that of those professing the creed of naked Protestantism, she has made

* [As applied to the history of the seventeenth century, this assertion was perhaps too broad.—W. E. G., 1878.]

(we refer to the latter part of the sixteenth century) converts and reconverts by thousands—nay, even by millions: and in the present day it is well known, that some of the most illustrious and pious men of Germany have been driven, as it were by force, into her communion, to escape from the coldness and desolation of their own. This position was a very broad and a very strong one. Does it remain entire?

38. If on the one hand it be true, that Mr. Sibthorp and other members of the University of Oxford, who have abandoned the Church, were not adepts in the school of her Catholic teaching, that there was no one of them who had at all attracted the general regard as a father in our Israel, it is not, on the other hand, to be denied that they were professors of what are called Anglo-Catholic as opposed to Ultra-Protestant sentiments; and, further, that their lapse (for such we must call it in deference to truth) into Romanism appears to have taken place not without some sort of relation to the Oxford movement. It cannot have escaped attention that, while ten or eleven years have elapsed since the series of the 'Tracts for the Times' began to issue from the press, for the first five or six of those years even occasional perversions in that direction seemed to have been suspended; and experience did appear to sustain the proposition, that Catholic teaching in the Church of England, so far from being a covert machinery for the propagation of the Roman system, was the appointed and specific preservative against its aggressions.

39. But, from the time of the publication of Mr. Froude's Remains, a distinct process has been at work, which has gradually impressed a new character upon the movement that took its origin from the heart of the ancient and venerated University of Oxford. Of this process there were two principal stages. The first of

them developed an unmeasured and unmitigated aversion to the Reformation and the Reformers. The second disclosed a measured, but yet undeniable and substantial, estrangement of the heart from the actual Church of England; and a disposition not only to respect Catholicity in the Church of Rome, but to take the actual Church of Rome, in the mass, as being upon the whole the best living model of the Christian Church. Now, the defections from the established religion, which we have so much to deplore, have occurred, not at the time when we were recalled to the masculine theology of the seventeenth century, and when a firm testimony was constantly maintained on the subject of Romish corruptions; but exclusively since the tendency has been perceived to anathematise the Reformation as a whole, and to fraternise with the unreformed Western Church as a whole. This transition, therefore, in the character of the Oxford movement, seems to mark the change from a position of secure and unassailable aspect towards the Papacy to one less exempt from the risk of successful operations.

40. These considerations lead us to the threshold of a great and varied department of our subject; and we enter upon it not insensible to the moral hazards and snares with which it is beset. In the execution of our task, we must use freedom of language. It is, under the circumstances, almost the first condition of intelligibility and fitness to do good. God grant that it may be without the breach of charity, modesty, and respect; that it may be employed only in deference to the necessities of the discussion; that it may reach only so far as those necessities extend, that it may be set forth as a contribution towards the common good, in the discovery of truth, which all are bound to promote, and not as an assumption of judicial

authority in that sacred province, where all individual conceit is not alone justly offensive to man, but conveys intolerable insult to the majesty of God.

41. But the case stands thus; we are to consider of the justice with which praise and censure have been distributed by men of the highest character, and upon objects of the most exalted dignity and pretensions. The Reformation and the Church of Rome, each of them, whatever they be in themselves, are great, in comparison with us, who assume the critic's chair, and sit in judgment upon them. The private understanding feels itself overpowered and abashed in any effort to hold the scales of justice between such competitors; and is struck with fear lest, in the attempt to redress a disordered balance, it should commit fresh excesses, perhaps with less excuse. Still we must not, through respect of persons, hesitate to impeach their acts, when, by an undue burden of censure or award of praise, they have done injustice to the memory of the dead, or brought the living into needless peril. We shall, however, be the last to complain, if our remarks be made the objects of animadversion, as indeed they may well be, far less restrained than those on which we are reluctantly about to venture.

42. We have spoken of a decided change in the character of the Oxford movement, and the strain of its teaching, as respects the Reformation and the Church of Rome; but we so speak, without intending to imply that all those who are connected with it, in reality or in popular opinion, have exhibited such a change. On the contrary, Mr. Perceval, Dr. Hook, Mr. Palmer, Mr. Dodsworth, and many more may be named, with respect to whom no such assertion can be made. Nay, out of the four persons, who may be considered as the authors of the Tracts, and

main guides of the movement, it may, we believe, be said, concerning three, namely, Mr. Keble, Mr. Williams, and Dr. Pusey himself, that, as they have never written with temerity, never save in sorrow, of the evils of the Church of Rome, so they have never found occasion to erase what they may have recorded in the exhibition of those evils; and never have exaggerated, to the disparagement of the blessings their own country has received from God, the excellences likewise undeniably to be found in company with them. Their pen may claim the praise asserted in those noble verses of Manzoni, that it is alike

"Vergin di servo encomio
E di codardo opprobrio;"

and so far as they are concerned, their tone has, we believe, been one and harmonious, from first to last, in decided reprobation of abuses in the Roman Church, and in dutiful affection filially accorded to their own.

43. But this, like other schools, is apt to be estimated by its extremes; and we apprehend it must be admitted, that its extreme writers have too frequently adopted a strain of language which, in plain terms, is not loyal towards the Church of England.

We heartily yield assent to the excellent Bishop of St. David's,* whose Charge of 1842 will, in our judgment, long remain a standing witness, of many-sided aspect, against religious persecution, in his decided and indeed almost indignant protest against the outrageous tyranny, which prohibits all free discussion of the particulars of the Reformation; and demands of the members of the Church of England an absolute unqualified acceptance of

* Dr. Thirlwall.

whatever can be shown or surmised to have been the private opinion upon a religious tenet of some one or more of its reformers. It is almost impossible, in the present day, for any man, on whom the mark of Tractarianism has once been set by editorial infallibility, to insinuate a doubt upon any point in the character or creed of any of those engaged on the Protestant side in the great struggle of the sixteenth century; or to hold up to public view any of the misdeeds which accompanied, and of course went to mar, the work of purification; without being apprised that he is a schismatic, a heretic, and a hypocrite, at the least. He is a schismâtic, because he conceives himself bound to the communion of the Catholic Church in England, and therein differing from those who conceive their adhesion to be a matter of the class of ἀδιάφορα, is thus guilty of introducing divisions. He is a heretic, because the awful charge of heresy, which, in the times of ancient intolerance, was thought to require something of a judicial process to establish it, is now a weapon which any man, of his own private wit, is commissioned to hurl. He is a hypocrite, because he abides in the Church of England, and protests against the neglect of her discipline, and the monstrous misconstruction of her formularies; and makes a profession opposed to the bastard sense, which, not content with its intrusion, strives to eject what he firmly holds to be legitimate.

44. On behalf of freedom, and on behalf of truth, we subscribe the protest against these preposterous impositions: most of all preposterous when it is considered, that they are commonly urged by men who censure, with a perfect disregard of their own superstitious inhibitions, the early saints and fathers of the Church, including the very friends and followers of the Apostles, and do not

even scruple to charge them with folly and inadequate knowledge of the Gospel. Nay, by men who will not at all hesitate to belie themselves by finding guilty of partial Popery these very reformers and the whole Anglican Reformation, when, in discussing the momentous question of discipline, they are met by a hundred rubrics in favour of Catholic observances, which they find it totally impossible to digest. Even were they consistent in wearing the chains they forge for others, we should address them thus: it may be well for you, who see in the Reformers the "founders of the Church of England," to apply to them that measure of regard, beyond the rules of ordinary reason, which the character of parents, properly so called, demands. But to us they are not authors or builders of the Church. They are men whose honour, be it what it may, must arise wholly from this, that they handed down, in better disclosed proportions, that which had been handed down to them. And, in the retrospect of ages, our vision does not terminate upon them, but passes upwards, never interrupted, through each generation of eighteen centuries, to the Saviour himself; claims communion and brotherhood with all, and finds in the continuity of that succession a principal assurance of the reasonableness and solidity of our Christian hopes, and the appointed channel of our blessings.

45. Against such attacks as these we plead for and vindicate the gravity, the dignity, the sacred obligation of historical inquiry; of learning, that is to say, the lessons which God has recorded in human story for our instruction, of enlarging and consolidating our judgments by the materials that experience affords. But, in the very same important interest, we must also plead against the tenour of remark, of which the first example, we believe, was set

in the Remains of the late Mr. Froude. It was set by his editors rather than himself, for common justice to his memory we think demands the assumption, that had he lived he would have corrected, or all events would not have put forth for the world's instruction, that language so rash, crude, and precipitate, so little savouring, we will not say of mercy or charity, but of reverence or discipline, in which Bishop Ridley, for example, is condemned because nothing so good of him was known as to balance the disgrace of being the associate of Cranmer! O that those who commend, and justly commend Archbishop Laud for having made good in one of their aspects the fortifications of the Church, built up amongst us, would in candour and meekness ask themselves, with that earnestness of reflection of which they have given so many laudable examples to the age, whether they have not also a heavy debt to Cranmer for other perils averted, and other mischiefs mitigated, which in his age threatened to exhaust the very vitality of the Church?

46. Again, Jewel with Mr. Froude is "an irreverent Dissenter." But without at all adopting the invectives of Jewel as they stand, or guaranteeing the whole of his doctrinal language, we should be glad to know what Dissenter, reverent or irreverent, would, or by possibility could, have taught as Jewel uniformly did, the doctrine of primitive and Catholic consent, or of the power and grace of Baptism? And if so, why is this to be overlooked by those who, whether they know it or not, are under heavy judicial responsibilities in all discussions of this sort? Is not the expression we have quoted, aimed no doubt against the passionate words of Bishop Jewel, itself also passionate? If it were blamable for him to use such language in the dust and heat of the strife of the

Reformation, is it laudable in us, after the lapse of three hundred years, and in the cool blood of historical disquisition? Is that inequitable and unkindly frame of mind, against which we protest when it is applied to the Latin Church and her members, to be reserved for, and concentrated upon, our own spiritual mother and our nearer brethren? When we read those productions, in which the Reformers and their work have recently been criticised, it really seems as if the doctrine of charity were to have no application in their case; as if the laws of Draco were to be applied to all their deeds; as if, acting under difficulties nearly or wholly without precedent in the history of the Church, they were to be expected to realise an ideal to which no class of men, under circumstances of the most unmixed advantage, could have attained; as if it were a duty to put upon all proceedings and upon all expressions not the best, but the worst construction which they can be made to bear; as if they, alone of all those engaged in the struggle, had, while intent upon other great purposes, lost for their country the Episcopaté, whereas in fact they almost alone never relaxed in their efforts, and through God's mercy, their successful efforts to preserve it.

47. We know, indeed, that the answer made to this reasoning might be, that the Reformers had laboured to destroy or mutilate Catholic institutions, and that, therefore, they not only have no title to respect, but are the just objects of Christian indignation. The general merits of so extreme a sentiment we will not discuss with the few, the very few, that hold it. But even these we would ask to consider, whether, in their own judgment, our Reformers abolished or curtailed any Catholic institution so precious or so vital, as that which they restored to its

integrity when they re-established for the laity the use of the cup in the blessed Eucharist. Nay, had the Reformers done no other service to Christendom than that of stemming the monstrous, the incredible, yet the admitted corruption of the indulgences; had they effected no other good than that of enabling the better men in the Latin Church to effect the disciplinary reforms of Trent, and the great amendment and purification of her institutions which were consequent upon them, even for these, which are but a small and secondary portion of their merits, at least as respects this country, they would, we think, be entitled to claim far more of consideration and of sympathy, than they actually received in the quarters to which we refer.

48. With the protest then against the tyranny of those who forbid us to exercise free historical inquiry upon the Reformation and its authors, we combine a remonstrance against the injustice of degrading that great inquiry by regarding the subject through a medium tinged by petulance or morbid prepossessions. And against the further injustice, we must add, of forgetting that as to the greatest matters in debate, as to primitive authority, as to the grace of sacraments, as to the discipline of the Church, the Reformers themselves were indeed immeasurably distant from those who now, while defacing their work, and disobeying their injunctions, would compensate for this licentiousness by exacting an inordinate and superstitious reverence for their names, and for private surmises or opinions which they did not think fit to embody in the ecclesiastical institutions of the country.

49. If, then, we are reproached with vindicating to the present generation a freedom in theory alone, which is to be nullified by restraints upon actual investigation; or if

we be charged with giving countenance to the hatred and contempt towards the Reformers and their work, of which the seeds at least are visible in some contemporary writings, our reply is, that the freedom we claim is meant to be a real freedom, and the restraints we would impose upon it are only the inward self-chosen restraints of a filial and reverential spirit. Most of the institutions of the Church in their detail, whatever their date, are the human applications of divinely appointed rules, and are open to examination. But the Church of England has a right to expect from her children that they should approach that examination in a frank and loyal, and likewise in a somewhat subdued and chastened spirit.

50. In our view, the extreme severity with which the divines of the sixteenth century have been judged, and the cold and loveless temper, with which the results of their labours are regarded by a portion of the Oxford writers, and of their followers, is the saddest and most disheartening feature, attending the important theological revival of the last ten years. It is to this severity and this coldness, we conceive, that the reaction against Tractarianism, partial as it is, has been ascribable. Had the single form of excess observed in its abettors, been that of a too great leniency and sympathy towards the Roman Church,—had the yearnings of their love, while they too highly coloured her positive excellences, and shrunk from the faithful exposure of the enormities within her pale, likewise pervaded their views of actual excellences and actual defects in that Church, which had been their own mother in the Gospel,—then, we feel persuaded, that no bigotry, however obstinate or malignant, could ever have raised that great amount of excitement, mistrust, and alarm, which must be admitted to prevail at the present

moment, among sober-minded men, with respect to the possible range, which the movement may hereafter take. No doubt there are many among us, with whom charity or leniency towards Rome, is equivalent to treason against the Church of England; with whom to admit the Roman Communion to have the essence of a Christian Church, is to deny the faith; with whom nothing can redeem the offence of supposing it possible, that three-fourths or more of all the Christians now alive (for such reasoners as these commonly include the Eastern Church in the same condemnation), may be within the covenant of God's mercies, and not beyond it. But we cannot believe, that this is at all a general tone of sentiment among the intelligent members of the Church of England. On the contrary we feel persuaded that although, considering the attitude of Rome towards all other Churches, they must always and necessarily entertain a jealousy of any disposition unduly to eulogise her, or to extenuate her offences; yet this species of excess, had it stood alone, would have been gently and lightly touched by all those, whose rebukes, from their dignity and justice, carry with them permanent effect.

51. It must indeed be a subject of the most anxious consideration, for all such persons as are desirous to think and act rationally, modestly, and justly with respect to the theological claims and collisions now so constantly in view, how to adjust the sentiments with which they are to regard the Church of Rome. We are in honour bound to do justice to her antiquity, to the benefits which we ourselves received at her hands, to the firmness with which she has ever contended in behalf of the Catholic Creeds, to the profound and comprehensive wisdom that pervade many of her institutions, to the high and noble

degrees of saintly perfection that have been attained within her pale. And yet we are not so to speak, as to incur the risk of aiding to mislead others by these glowing recitals; as it is to be feared we do aid, unless we join with them the most marked and definite notice of the frightful evils which deform her system. These, it is to be observed, are not merely evils within her pale, but evils which she seems to take to her bosom and to cherish there: which have established themselves about the very seat and organs of life, and which the better elements of her nature have not energy sufficient to eject. The practical withholding or stinting of the Divine Word; the fearful tampering with the attributes of God, by extravagant regard to creatures; the grossness of her purgatorial system, as represented in the actually prevailing tone of her authorised and ordinary pastoral teaching and discipline; the tyranny of her impositions of tenets, not revealed, upon the consciences of men; and her schismatical usurpations of the rights and claims of other Churches; all these are topics, concerning which to speak slightly, is by implication to betray the truth of God, and to expose the souls of our brethren to terrific peril.

52. For our parts, we believe that the duty of those, whose place or function calls upon them to guide the minds of others, respecting the Roman Church, is not adequately met by their dwelling in such manner, on either her good or evil characteristics, as to throw the other class into the shade. We would have them shrink neither from explaining what valuable lessons we are to learn, nor what impressions and awful warnings we are to receive, from her practice. We are well aware, that no words are adequate to supply beforehand, a right rule of conduct in this difficult subject-matter; and that he who

trusts to the dead form of such a rule will probably find that his censure and his praise alike are egotistic and offensive, void of the seriousness and the modesty of truth and nature; and that the whole life of his feelings is lost in a barren eclecticism. A solemn and overpowering sense of duty, and that mixture of profound humility with manly resolution, which such a sense best engenders and sustains; these are, we believe, the instruments, by which the Divine Grace develops in the conduct of men, even amidst the most difficult passages of life, the principles of unchangeable justice.

53. And that which we seek to recommend, is not a cold and timid mixture of commendation and its opposite. It is, to approach and to handle the subject with a well-balanced comprehension of the diversity of its bearings, with a hand of equal firmness to grasp in it what is pleasing and what is painful; in acknowledging what is good, to do it with cheerfulness and joy, under the free impulses of Christian love; but, in noting defects and dangers, to rein in the bad, proud, angry passions of our nature; to find pain, not pleasure, in the task, yet not to shrink from that pain. It is only by feeling censure to be painful, that he who delivers it, can neutralise its inward perils to himself; it is only by persevering with his work in despite of that pain, that he can acquit his obligations to truth, which demands of us that we shall prize her integrity beyond all things else; and that he can with a safe conscience proceed to note those excellences, which might themselves have become to others very snares and pitfalls, had he not faithfully declared the fatal companionship in which they stand.

54. It certainly indicates a state of great moral disorder in the Christian world, when individuals without authority

bring charges against the most extended of Christian Churches, that she tampers with the attributes of God by her toleration and apparent encouragement of idolatrous regard to creatures. If the accusation is false, no words can express its guilt: if it be true, yet still it seems too great a weight for the private person to carry, a weapon not intended for his arm to wield. Sad is the necessity which requires such things to be said at all; sadder yet, if in such modes. He that utters them should at least join with the act of utterance every sobering and chastening reflection, that may prevent it from becoming an act of self-glorification.

55. For these reasons we will freely own that, when in sermons and elsewhere we hear in constant repetition the most eulogistic epithets applied, without qualification, to the Anglican Church in her actual system, it is sometimes not without a faintness and sickness of heart, lest our claiming too much for ourselves be the bar to our obtaining more, and even the prelude to the deterioration or the loss of what we have. We are pure, we are scriptural, we are apostolic, we are catholic, we are reformed, we are primitive, we are holy! And far be it from us to withhold any one of these epithets from the Church, such as in her mind and soul, such as in her authorised documents and permanent institutions, she is and aims to be. But we do not wholly concede to Rome the claim that she is to be judged, in cases where she is accused of corruption, by the Tridentine decrees alone: we contend that the acts of her executive and local authorities, in their proper degrees, and the habitual tone and mode of teaching, of thinking, and of acting within her borders, must be taken into the account; that the first viewed alone may indeed show what she wishes to be taken for, but it

is in conjunction with the rest that it shows and constitutes what she is. And no one, we think, can dispute the justice of the exception thus taken.

56. Almost as difficult would it be to deny, that it very seriously affects the estimate to be formed by a reflective mind, of the actual Church of Rome. Let those who would question it, read first the Ninetieth Tract, by Mr. Newman, and then the yet unanswered series of letters addressed by Mr. Palmer to Dr. Wiseman, upon the great points of doctrine in which the authorised teaching of Rome includes a mass of the most objectionable matter, of which but a faint shadow is to be found in the naked letter of the decrees of Trent. We do not think, for instance, that any controversialist, however keen, can find in the Tridentine article concerning the honour due to saints, the groundwork of a charge of idolatry. And yet those who regard the practical system of the Church of Rome, the language of her preachers, her divines, her schools, and even her Popes, may be but too well warranted in contending that at least she cherishes idolatry in her bosom. Words and acts, which are rank with the savour of it, are spoken and done within her precincts; done without any remonstrance or protest, beyond naked and unapplied, and therefore nearly valueless, generalities; done without the adverse notice, nay, to a great extent, with the positive encouragement and example of authority, and even of that authority which at the present day asserts its own infallibility, we apprehend, with much less of active resistance than was offered to it four hundred years ago, namely the Papal chair itself.

57. But, to teach ourselves an useful and just lesson of humility, we must acknowledge that the principle, which we vindicate against the Romish writers, has its recoil

upon the Church of England; and a recoil of no mean power, though less forcible by far than its first intention. Those who argue for the Catholicity of the Church of England in all points which relate to her constitution and rites, to her view of the Episcopate and the sacraments, found themselves upon the tone of her authorised formularies in order to make good their case. But, undoubtedly, there are those within her, and even within the order of her priesthood, who do not scruple to assert in some cases so much as that the Episcopate, the ministry, and the visible framework of the Church, are human institutions; and even in the teeth of the Catechism appointed to be taught to all our young persons, that the new birth unto righteousness is not the proper inward part of the sacrament of Baptism, and that the Body and Blood of Christ are not really received by the faithful in the holy Eucharist.

58. Not only, for example, does the popular commentary of Mr. Scott* upon the Holy Scriptures, declare the laver of baptism to be the sign of regeneration, and nothing more; but even within the last twelve months has a clergyman named Dr. Holloway, published a tract, by way of reply to the Bishop of London, in which, and we must say with the greatest frankness, he first ascribes to the Scripture his own doctrine of baptism, which is that of Mr. Scott; he then observes that the formularies of the Church ought to be construed in a sense conformable to the Divine Word rather than in any opposite signification; and having, by means of the misapplication of this just maxim, done wonders in torturing the Article on Baptism and other passages to his will, he finally seems

* On Titus iii. 5.

to break down at the clause of the Nicene Creed, "One baptism for the remission of sins," and abashed by his own honesty from the effort to tamper with this pointed testimony, he proceeds quietly to condemn, as at variance with Scripture, the proposition as it stands in the Creed! We do not here stop to observe that it has almost a verbal correspondence with the very words of Ananias in the twenty-second chapter of the Acts,* as recited by Saint Paul, "Arise, and be baptised, and wash away thy sins, calling on the name of the Lord." We assume in this place, that the doctrine of regeneration in baptism is an undoubted article of Catholic belief. And, though we do not imagine that Dr. Holloway himself quite knows his own meaning—though we lean to the supposition that he must hold, with however indistinct a consciousness, the truth of a spiritual power and blessing in baptism—we admit it to be a fearful thing, that in a Catholic Church men can be found thus to question a Catholic tenet, a part of the one indivisible, indestructible, immortal faith; and that if such men are found, they are permitted to take such proceedings without a prompt, authoritative, and effectual vindication of the Divine truth, and of the order of the Church against them.

59. That Dr. Holloway is open to censures in an ecclesiastical court, we cannot for a moment doubt. That those censures are not inflicted, we do not presume to make a matter of blame to any one. Government, ecclesiastical as well as civil, in all churches and in all

* Acts xxii. 16. We also find in the twenty-second page of Mr. Sutcliffe's pamphlet the most perilous and fearful statement, "that the regeneration of an unconscious infant is a physical impossibility." We presume he does not perceive the bearing of his proposition against the Catholic doctrine of original sin.

countries, must, we believe, at the present day, tolerate much that it would willingly repress, and must not for the correction of an offending part risk the safety of the whole. But then the case comes to this, that we have priests who deny the grace of baptism, and who are not called to account, because the nerve and vigour of our discipline is so miserably relaxed, that it cannot reach to the vindication of truth, even against so gross a wrong. Or, worse still, that the tone of sentiment in portions of the Church is so corrupted and enfeebled, or instruction in the signification of terms so faulty, that popular will would not endure the reassertion of sound doctrine, and would insist that error, not upon a matter of mere individual opinion, but upon a matter *circa fidem* at the least, should go unscathed. And, as we apprehend there is no question, that to impeach any article of the Nicene Creed is, in the sense of the Catholic (as of the English) Church, an heretical proceeding, we are not prepared to deny that, in this particular, what tends to heresy is endured within the Church of England, even as we have alleged that what tends to idolatry is endured within the Church of Rome.

60. There is certainly the difference, we think the broad and palpable difference, that, in the former case, the evil if endured is not cherished, is not fostered, is not so handled and dealt with as to convey to men's minds the notion that, in the view of the governors of our Church, it is no evil at all: that the formularies of the Church are not so constructed as to facilitate and make way for such lamentable doctrine, but are distinct in their testimony against it; and that the sentence of her recognised divines is clear and unfailing, from first to last, in the same sense. Upon the parallelised case, the charge of compromising the honour of God and of tampering with

idolatry, in the Roman Church, we believe that, point by point, the reverse may be too clearly proved. But we are not now arguing against Roman controversialists; we are, as among our own brethren, inquiring whether, in manfully denouncing the evils that brood within that communion, we ought not to chasten our own spirits, by recollecting that we, too, as a body are not wholly unimpeachable in the custody of the defences of the Catholic faith, because in the body there is an element of scepticism affecting certain points of established belief, and the residue of that body has not in its general organisation strength and health enough either to cure or to eject it. So that, without desisting from the vindication of specific truth against specific error; without ceasing to be thankful for the great blessings which God has bestowed upon us, not only in the Church, but also, though of course in a secondary sense, by the reformation of the Church; we may begin to perceive, that the apparent permission of erroneous teaching within a religious body does not of necessity implicate in all cases, and to the full extent, the body itself in the guilt of such teaching; that the vitality at the centre may repel the disease of the extremities, and, if unable to put an end to its devastations, may, notwithstanding, effectually confine their range.

61. For our own parts, we do not scruple to avow that we hold in the largest sense which would not involve the actual mutilation of Catholic Truth, the duty of communion between Churches of Christ. It is not because a Church is low in spiritual life, it is not because she is overrun with administrative abuses, it is not because even doctrinal corruptions abound within her borders, while her authorities are neutral or favourable to the evil, nay, while she herself has, by her authentic acts, erred "not

only in living and manner of ceremonies, but also in matters of faith;"* it is not for any or all these reasons, we conceive, that communion with her is to be renounced, if she still continue to be truly a Church of Christ. If her positive errors in matters of belief have not affected the foundation; if her toleration of heresy may be explained upon any grounds of human weakness, or even sin, short of the awful guilt of apostasy, however needing admonition and correction, she still remains a messenger of Christ. She still has the charge of a portion of His fold; and none can have the right, as it appears to us, upon these grounds, however intrinsically serious, to erect a wall of separation between brethren whom He has commanded to be as one. It is here much as in the case of natural relationship. It is not because a brother does many things which we may think wrong, or which may in themselves deserve the heaviest punishment, that he is to be disowned and renounced: the obligation to treat him as a brother uninterruptedly subsists, it is limited only by our power to render kindly offices, and, his capacity to receive them; and the active exercise of its functions can never be suspended, except only when and in so far as he refuses to accept them, or is incapable of profiting by them.

62. If, then, we are asked in what way we can justify the suspension of communion between the Eastern Church and the Church of England, we must reply we are not aware that it can be justified at all. We could not vindicate the refusal of communion to the Greek or Russian Christians because, according to the discipline of their Church, they seek the prayers of saints by direct invoca-

* Art. XIX.

tion; however heartily we may thank God that the Church of England has been delivered from a practice so perilous, so void of the warranty of Scripture, and of the authority of apostolic or primitive precedent. We believe that the prelates of the Church of England seek occasions to express and testify their desire for a more distinct recognition of spiritual relationship between the Eastern Churches and their own. In this sense, we apprehend, the primate entrusted Bishop Alexander, in 1841, with his commendatory letter to the Eastern bishops: in this sense Dr. Routh, the President of Magdalen College at Oxford, recently, in a less exalted sphere, performed a similar office on behalf of Mr. Palmer, a Fellow of his college in deacon's orders, when about to travel in the East.

63. And it follows, from what has been said, that we are among those who deeply lament the interruption of communion with other portions of the Christian world; with those Protestant communities which, by losing the essential organisation of the visible Church, have broken the channels in which the appointed acts of ecclesiastical communion flow; with the Church of Rome, which, though retaining the framework of a Church, and the essential spirit that belongs to it, yet of her own act makes that communion impossible. But God forbid that the responsibility of that reciprocal estrangement in which we stand, or that any portion of it, should rest with us! God forbid that, by our asperity and rancour, by our narrowness and exclusiveness, by our obtruding matters of opinion into the region sacred to matters of faith, by our setting up standards of orthodoxy more extended or more rigid than those which God has commanded to be used as such, the auspicious day should be averted or postponed, in which the children of all Christian Churches

should kneel around a common altar, and receiving from the same hands the same pledges of salvation, should again be one, even as they of old were one, and as He, with whom in all things they seek to be identified, would have them be one for ever.

64. If we are asked the meaning of the words, that the Church of Rome makes communion with her impossible, we explain them as follows. Her whole scheme of operations is founded upon her exclusive pretensions, and upon the assertion of the illegitimacy of all Churches not under her jurisdiction. Everywhere therefore, in their territories, she appears as an intruder and an aggressor; and the admission of her supreme controul is made by her the first condition of intercourse. In fact, it is not a question of communion, but of subjection; and for any other Church to acknowledge the present claims of Rome, is to disown herself, her own acts, her own children, dead as well as living, her own relation to her Lord. Nor is this any mere point of earthly honour, any contest of simple dignity or precedence; in lowering to her the *fasces*, we should admit the practical sway of her dictatorship. We should be called on to make those additions to the Catholic and Apostolic Creed, which she has been bold enough, under Pope Pius IV., to attach to it. Or, if she, from charity or policy, would excuse our immediate adoption of them, the exemption should be one *durante beneplacito* alone, and revocable at her will. Nor do we see what permanent guarantee for any, even the smallest, degree of spiritual liberty she could furnish, so long as the preposterous claim of infallibility continues to be made, as we have seen it recently made in official documents, by the incumbent of the Papal See.

65. We should be willing to brave much danger and

much conflict, for the precious hope of restoring communion without treason to truth. That we are scandalised, and justly scandalised, at much erroneous teaching and abusive practice in the Church of Rome, we should hold to be no sufficient reason against refusing to her the regular relations of Christian fellowship. On the contrary, we should say, Christians may with more reasonableness and piety hope to impart and receive amendments from one another, when they have placed themselves in the path of God's plain commands by the extinction of a schism between them, than while they remain in separate positions. But as to quenching the fire which our martyrs kindled; as to readmitting the gross and enormous mischiefs, which were by them ejected at so great a cost; as to assimilating the teaching and practice of the Church of England, as a whole, to that of the present Church of Rome as a whole, we should enter a protest against such a course, the most vivid and indignant, were it not that by dwelling on such a contingency, we might seem to imply, that it is one within the bounds of rational probability. We are firmly convinced, that it is not one whit less visionary, less mad, than it is mischievous. It may be true, that there is at this moment a Romanising school in the Church of England. These are men, who are not content with respecting or revering Catholicity in the Church of Rome, but who take her, such as she is, in the mass, for a standard of imitation, and would have the Church of England made like her, at least so far as might be necessary in order to re-establish communion with her. They are unable to fix their affections upon the Church of England, such as she is in the mass; but, while sincerely respecting and revering the Catholicity or vestiges of Catholicity that

they find in her, nevertheless recoil from the anti-Romish elements with which that Catholicity is combined, and pay to her, as a whole, a loveless and constrained, even if a punctual and conscientious allegiance.

66. It may be, that the teaching of this school, as it has perhaps already helped to produce, so will hereafter from time to time aid in producing, defections from the Church of England of erratic and ill-balanced minds; of minds wanting that searching truth of perception, and vigour of determination which all times, but times of confusion most especially, require. But as to bringing the millions of this Church and nation into harmony with actual Rome, in our view, the perversion of Mr. Sibthorp and a few more, does not abridge even one inch of the all but immeasurable distance at which, if anywhere within the bounds of possibility, such an event is set. We will not allow that there is the minutest symptom, the faintest or most shadowy indication, of any impression of such a kind upon the English mind. And we do not scruple to add, that that *extrême droite* of the Oxford school, which is apparently prepared to make a surrender, even these we presume not an absolute surrender, to Rome, not only is small in its numbers, and in its relative influence, but owes that influence in no degree to its antipathy to the Reformation, or to its prejudices in favour of the papal system; and would greatly increase its power over the sound and general Catholic feeling of the country, if it were to rid itself of both the one and the other. We believe that the limited class to which we now refer, is composed of men who are not only admired for their abilities, but respected, revered, and beloved, for the meekness with which they bear insult and injury, for their abundance in prayer, in all holy observances, and in all good works;

for their lowly, mortified, self-denying lives; for the lofty flights of their devotion, for their severe conscientiousness in all things; for everything except the two characteristics which we have named, their strange injustice to the aggregate character of the Reformation, and their not less strange blindness in estimating the effects of her extraordinary corruptions upon the aggregate character of the Church of Rome.

67. We apprehend that Rome herself does all in her power to undeceive this portion of our brethren. As the teachers and writers of the Church of England generally become more careful to observe the dictates of justice and charity in their acts and words concerning her; as a part of them have grown even extravagant in their commendations, doubtful, hesitating, or altogether silent in their censure; the activity of her meddling missions is increased, and every nerve is strained to gain here and there a convert. The effect of the operations is indeed so small, that to make a sensible impression upon English Protestantism by means of it, would require a time longer than that in which, as some philosophers conceive, certain minute deviations in the movements of the planetary system will have so far accumulated, as in the course of nature to destroy its equilibrium, and thereby entail its destruction. But however infinitesimal the results, the *animus* of the proceeding cannot be mistaken, and it is this—deadly hostility on the part of Rome to all that is not herself; hostility towards the Church of England more active and unceasing, when her Catholic character is clearly and pointedly developed, than when it was partially obscured by the prevalence of secular and conventional notions, or of those which are the birth of unmixed or of sectarian Protestantism.

68. If the Romish writers of this country really anticipate, according to the professions in which they frequently indulge, that the national Church will be brought back to them by the efforts of the Oxford writers within her pale, why do they do everything in their power to render the position of those writers difficult and intolerable? If they look to reunion of the whole body, why do they use their utmost, and not always the most scrupulous exertions, to draw out of that body those whom they profess to consider most likely to operate upon its character in a sense favourable to their designs, and to place them where their influence upon it is necessarily at an end? Nay rather, where it is converted into a force of absolute, of most powerful repulsion? If they desire to see our worship made more like to theirs, do they know so little of Englishmen as to dream that that purpose is most likely to be promoted, and jealousy most likely to be allayed, by their setting up the rival, the schismatic altar, in every spot where funds can be found to lay one stone upon another, and by their giving out that, in consequence of the increase of Puseyism, their separate and hostile congregations are continually multiplied and enlarged? There are two modes of proceeding in such matters, each adapted to its own view and object, but reciprocally at utter variance. The one is by proselytism; the other is by tenders of friendly approximation. The last contemplates the coalition of two bodies; the first seeks for the exhaustion and thereby the destruction of one of them. Resort to the latter implies a belief that there exist the essential elements and conditions of union, and that they are in process of hopeful development: increased activity in the former betrays the consciousness that amalgamation is becoming not more easy, but more

difficult, or rather wholly beyond the range of hope. It is in this attitude that Rome now comes among us. She plants her emissaries here, nearly as she would plant them in a Pagan country. She seeks to attract, almost to kidnap, our schoolboys, our women, and whomsoever else she can, even as if she were the ancient Church, rescuing intended victims, to the utmost of her power, from the pollutions of the Pagan mythology.

69. A few there may be (we believe Mr. Ambrose Phillips may be named as one of them), that endeavour to turn the course of active effort towards pacification between the Churches, and away from the pursuit of that partisan warfare, which does so much more to embitter and estrange the mass than to enlist individuals. But we must look to the rule rather than the exception; and it appears to us to be clearly such as we have described. The alarms, as we believe, much more than the hopes of those Roman Catholics, who are less Catholic than Roman, were excited by the reaction in favour of that powerful theology, which in the seventeenth century had utterly baffled the efforts of the Papacy for the recovery of its dominion in this island. Their hopes may in turn have been raised more than their alarms by the more recent manifestations of Romanising tendencies among a very few. But whatever the motive, of the result we cannot doubt. As Mahomet offered the Koran or the sword, so Rome has written on her banners in this battle-field, the alternatives only of internecine war or absolute surrender. And they, whose inmost hearts shudder at the miseries of religious conflicts—they who would rather give their hands to be burned than dip their pens in polemic fire—they who, like Falkland, would fain amidst the din of battle invoke only and incessantly the sacred

name of peace—they must, we conceive, brace themselves to a sterner mood. Not in disobedience to love, but rather in fulfilment of its commands, they must hold that great plainness and adequate freedom of speech is to be used, and that abundant patience, energy, and learning should be applied, not less to pointing out, for the admonition of the light-minded and unwary, the doctrinal and ecclesiastical corruptions of the Church of Rome, and the gross schism of which, in this land, she is guilty against the chairs of the successors of the Apostles, than to restraining the wild invectives of those who write against her in passion or in pride, and to the repudiation in her favour of charges that are not warranted by truth and justice.

70. It may then, we conceive, now be said, that there are two very distinct characters in that Catholic movement, which has stirred from its foundations the religious mind of this country; the one older and infinitely more general and enlarged, the other recent and limited, though undoubtedly of abundant energy within its sphere.

The spirit of the first was, as we conceive, to catholicise the members of the Church of England, but without "unprotestantising" them. It was, in its leading design, to pursue the ideal excellence of the Catholic system, of the Word of God developed in Christian institutions, as it is gathered from the best and purest ages, churches, and men. It was to seek the realisation of this excellence within the Church of England, and to seek it by the sedulous and humble employment of all the means of grace which she affords; by the endeavour to enter into her spirit and take the full measure of its capabilities, in the hope and confidence that they would be found fully

adequate to our needs, and that in the order of divine wisdom her holy discipline would be revived, and her manifold ministries of love to the souls of men enlarged; and that she would surely, if her children were but faithful to their high vocation, not fail to revive and represent, even in these latter times, the early and unsullied glories of the Bride of Christ. And this yearning to restore the decay, and to temper the waywardness of the religious life of our age and country, to clothe it in the forms which are most favourable, because divinely ordained for the purpose, to its elevation and expansion, to its power and permanence, was no traitorous or disloyal thought towards that spiritual home around which are twined all our dearest associations.

71. It was a conviction, growing out of love, that we had too much and sadly fallen beneath the spirit of her laws, that the hurts of God's people were but too slightly healed, that the harvest more and more outgrew the fewness and feebleness of the labourers; that the beleaguering powers of Satan and the world waxed bolder and bolder in their tents around the walls of the city of God; that some spiritual enginery, other than that which the degenerate state of popular temper and opinion supplied, must be brought into the field, or the garden would become a wilderness, and the fenced city as an heap. At the worst, a pardonable dream, surely they at least will say, who have scanned the necessities and dangers of the land, who have taken the length and breadth of its poverty, its misery, its unbelief, and of the incapacity of separatism, of the existing parochial organisation, and even of Church extension, as it is now understood, to cope with them; and whose hearts have throbbed with the threefold impulse of the Christian, the patriot, and

the man, to apply some remedy to the gigantic evils that threaten to devour the noblest people upon earth.

72. Those indeed may well treat it as a vision, who consider this conception inadequate to its purposes: who doubt the possibility of reproducing, in a reformed Church, and at the present era, that energy of self-denial, that high-wrought temper of courage and zeal, that effusion and redundancy of love, which, once so common, now would be regarded as well-nigh miraculous; or who, unhappily for themselves, have but feeble sympathies with the undivided Christendom of the martyrs and the fathers, and who are confined within the straitened limits of modes of thought and feeling, derived exclusively from one particular period, and one desperate emergency. But it is of this development, not of its exaggerations or its counterfeits, that we speak; so speaking, we submit, that it affords the best of all perceivable prospects of neutralising the dangers, and of satisfying the wants of the age; that it implies no abandonment of our national traditions, no disloyalty or half-allegiance to the Church our mother; that no other real real hope exists of any revival of that discipline, the right use whereof the Reformers were much inclined even specifically to place among the notes of the Church of God; that it is no sectarian or party movement, but a movement of the Church, as well as a movement in the Church. It is the audible response of the Church to the call of her own glorious and expanding destiny, to unfold, amidst much sin, much weakness, much degeneracy, the truest likeness of her Lord, and to feed and cherish, on behalf of Christendom at large, the best hope of her ultimate restoration to unity and repose.

73. And we need not scruple to refer to the testimony,

in this case beyond all suspicion, of one of the severest judges, one of the acutest and most searching perceivers, among the men of this generation. Mr. Carlyle will not be suspected of any undue favour towards the attempt to resuscitate, in the England of the nineteenth century, the stern self-chastening discipline, whereby the Church reached the ripeness of her strength; but even he* has at length found in this "Puseyism," that it too is an effort, perhaps a weak and even morbid, but yet an honest and true effort, of our afflicted humanity, to find relief from its diseases, growing sorer amidst increasing wealth from day to day, in the restoration of more open, more comprehensive, more practicable and effective relations between the bewildered flock and the Eternal Shepherd. Governments and philosophies of morals or of trade have their remedies for the ills of life and of society. Be our part and lot with those, who rivet their faith upon that one scheme of human amelioration, which is built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner stone. And in that house of many mansions, whereunto we all hope to reach, space, as we trust, will be found for those whose hearts have not fainted in the day of adversity, but who steadily adhere to those means and promises of good, that are alone, and alike, stamped with the seal of God's revelation, and of man's experience.

74. That effort for spiritual revival, of which we have spoken, aims at assimilation, not to Rome, but to something quite distinct, something higher and better than Rome; to that original of which Rome is a mutilated copy, that standard which she seems with us to acknow-

* See Carlyle's 'Past and Present. 1843.

ledge, but beneath which we both, though in differing degrees and modes, have sunk. May we not redeem our own shortcomings without adopting hers? The end proposed, is that end which this Church acknowledges; the means employed are, walking in the path of her ordinances, and cherishing the spirit that pervades them. In pursuing such an end, by such means, we can only approximate to Rome where she approximates, or shall approximate, to truth. We must remove farther and farther from her, where she departs from it. And if it be a duty to desire and hope for such removal, with surely at least equal earnestness should we labour, yearn, and pray for such approximation.

75. Of the Catholic sentiment thus described, we believe that it is so congenial to the predominating ingredients in the constitution of the Church, and likewise so truly an evolution from within, from the very seat of her life, and not an importation from without, that to contemplate its ejectment or exhaustion from her system is in no degree less visionary, than the opposite speculation of an approaching reconquest of the Anglican Church to the Papal domination. It never could be effected, except by such a second reformation of the institutions, and of the formularies of the Church, as would wholly alter their character, and destroy their identity; such a process as we do not believe that, even in the present relaxed state of her discipline, five men among her clergy could be found to propose or to support. Perhaps the nameless author who has recently vented his chaff upon the public under the name of 'Liturgical Adjustment,' might find himself absolutely solitary in his noxious, but utterly impracticable, propositions.

76. But what course will be pursued, what course

ought to be pursued, towards those propagators of Catholic tenets and usages, who do not scruple to denounce Protestantism as a principle of unmixed evil: in whom the attraction of the Church's essential Catholicity is sufficient, but only just sufficient, to overcome the repulsive force of the Protestant elements admitted into her institutions; and who do not dissemble, that in their view, Rome, if not a true normal pattern of Christianity, is yet the best existing standard, and one to which we ought to seek to conform? Rome, who is always at our gates as a foe, though in her legitimate sphere she be also an elder sister. With this foe they parley, and in the hearing of the people on the wall. At the same time they relentlessly pursue, with rebuke and invective, the Protestant name.

77. Mr. Newman has recently retracted, through the medium of a public journal, a collection of certainly very vehement and fierce expressions, in which he had employed his great powers of thought and language to characterise the evils of Romanism. We can find no fault with his Christian humility in correcting what he believes to be in excess, and contrary to charity. But we could have desired that he had more exactly defined what he proposes to substitute for the protestations thus withdrawn. We could have wished that there had been, if not from him, at least from those writers in the *British Critic* who are believed in the main to accord with, though somewhat to overpass, him, some similar retractation of their many hard speeches against men and things, which England in her inmost heart reveres; against that "Protestantism," which, in the language of those by whom they are chiefly read, in the common phrase and thought of millions of their countrymen, is no symbol of a bare

cold negation, or of a licence for infidelity, but is the usual exponent of a substantive, undoubting, Christian, Catholic belief. We could have desired a few cheering words of cordial love towards the Church of England; still *their* Church, to show that their hearts are not wholly alienated and remote from her, even while they set the most pious examples of ministry in her sanctuary; and to remove that deadly chill with which their ordinary writings, in the remarkable periodical we have named, freeze the very life's blood of many that repair to them to be taught how they may unite loyal love to their own immediate mother, with a true acknowledgment of brotherhood, even to those who assault and wrong her; how they may so cherish the large overreaching Catholic sentiment, as, by its reaction, not to enfeeble, but to invigorate, their local and proximate attachments.

78. We take comfort however in reflecting, not only that the great body of those who hold Catholicity to be the first element in the Church of England, and Protestantism the second in due subordination to it, are wholly untouched by these semi-Romanising tendencies. We find a further consolation in the fact that Mr. Newman, Mr. Oakeley, and such persons around them as are known to the world, are men in whom, if in any, the intemperance of particular propensions, or the bias of the judgment, is most likely, under God, to be corrected and counterbalanced by the soundest ethical habits, and by the great Christian specifics of earnestness, humility, and prayer. To these resources we add the confidence, that their position in the Church of England is securely stayed upon the great Catholic principle of allegiance to her as the ordinance of God for the government of their souls; that they reject with abhorrence the temptation to

apostatise; and that, in their case, the discharge of the obligation of obedience will not be less but rather more resolute, because it entails another duty of crossing and mortifying their own tastes, and in some degree, perhaps, their own affections. If their frame of mind and opinion, taken together with their circumstances, thus constrain them by practical tests to concentrate themselves with few extrinsic supports upon the single and simple will of God, this at least cannot be denied, that they are pupils in a school of perfection.

79. Although the sentiment may seem strange and incongruous, in a publication to which the same remark is applicable, we cannot help expressing the conviction, that great mischief has arisen and may arise from the habitual practice of anonymous authorship, upon these most delicate and dangerous, as well as most solemn and sacred subjects. Let us speak freely on this matter. As a general rule it may be said, that no man writing upon controverted questions without the constant sense of responsibility which publicity entails, will write with the same degree of caution, the same degree of considerate forethought, the same degree of tenderness for the weak, and of wise and comprehensive charity, to which he would attain if he had that aid. An increased severity of judgment, a higher strain of invective, a more copious use of rhetorical colouring, a more artful and constant resort to dialectic subtleties, a greater recklessness of consequences, and a blunted instinct for pure truth, commonly distinguish anonymous authorship upon matters deeply moving the nature of man. The anonymous writer conducts a process, that ought to be judicial, in the dark; in the dark he condemns, he lashes, and he stabs: unseen himself, he sees; and he acts without the

salutary check which the consciousness of being seen imposes.*

80. In this great controversy it is remarkable that on nearly every occasion (for we are bound to except Mr. Newman's work on Justification) where anything like general scandal has been given, it has been by publications without a name. The editors of Mr. Froude's Remains were nameless: and every man knows how much of the bitterness of the contest dates from their appearance. Had Mr. Williams written his 'Tracts on Reserve' in his own name, and not under the shelter of a quasi-corporation indistinctly known to the world, we venture to believe, that, together with their unhappy title, he would have effectually avoided whatever else has tended to produce such injurious misapprehensions of his meaning. Again; the Ninetieth Tract was nameless; and it convulsed England. Doctor Pusey, in a work with his own signature, retraversed nearly the same ground; but so different was the general *tone*, as a painter would say, of the performance, that we never heard that he was made a sharer in any of the censures which issued even from ecclesiastical authorities, against the argument of that Tract. And ever since the Tracts have ceased, it has not been by the known publications of the Oxford writers, but by those which a portion of them have sent into the world in the character of reviewers, that offence has been propagated and renewed. Our motive for offering these observations has been a conscientious conviction

* [This article, though it was technically anonymous, was avowed by the writer at the time. The lengthened experience of his life has confirmed him in the sentiments, which the text expresses, as to the general, though not of necessity invariable, effect of anonymous writing about matters of contention.—W. E. G., 1878.]

of their truth, and their importance. As to their recoil upon ourselves, that is a secondary matter: we are not careful to seek a justification: if we can secure a general acquiescence in the sentence, we will cheerfully submit to be smitten by it.

81. We have laboured to describe frankly the position of an extreme section of theologians within the Church of England. Some persons conceive, that not only are they guilty of hypocrisy because they remain within her, but that their diocesans also are inexcusable for permitting their continuance, and indeed for encouraging it by recognising them as in all respects brethren; though reproving, as they may think fit, any opinion or practice which they judge to be injurious. We differ in the strongest manner from both of these positions. Although we carefully distinguish this section from the legitimate Catholic development, of which we believe it to be an exaggeration, we rejoice that these excellent persons abide in the Church, to enlighten it by the holy example of their lives. We rejoice that they feel the awful responsibility of that condemnation, which they would undertake to pronounce against her, by the act of quitting her communion.

82. It may be a light matter for those, who seem to seek to drive them forth, to pass from sect to sect, like butterflies from flower to flower. But allowance must be made for the totally different rules, which persons of different convictions apply to the consideration and decision of the same question.

It might be perfectly honest and consistent in those, who hold latitudinarian opinions respecting the Sacraments, to leave the Church from their dislike of her language, or because of their impatience of reproach from any of her members, or of their anxiety to give more

unequivocal expression, more free scope, to their own particular instincts, in matters of religion. But with those whose case we are now considering, the conditions of action are, as we conceive, very different. To them the Church of England either is the stewardess of the covenant of grace, or she is a counterfeit and an usurper. They cannot quit her communion without the most fearful guilt, unless she be the last. They cannot quit it, without affirming her to be such. Are they then to be seduced into such a pit of temptation, because a popular clamour admonishes them to it? or because they have a craving for greater spiritual luxuries elsewhere? or because interpretations, of equivocal and insufficient authority, or of no authority at all, are placed by some upon the formularies of the Church, such as in their judgment are at variance with Catholic truth? And this, too, while the Prelates of the Church become from year to year more copious and explicit in the exposition of her true nature, and of the power of her ordinances?

83. Surely those, who say so, know not what they speak nor whereof they affirm. They are applying to the consciences of other men the measure of their own; and are calling upon them in the name of a duty to perpetrate a sin. Surely it is the absolute duty of the divines and others whom we have named, upon the showing of their own principles, to abide where they are, so long as they conscientiously conceive, that the documents of the Church intend or even admit the Catholic sense, such a sense not being disowned or excluded by the plenary authority which, as we apprehend, is alone competent to pronounce such a sentence. And may God grant to the objects of this provocation a clear judgment and a cool head, to walk steadily where they have hitherto walked, though

the wrath of the tempest be on one hand, and the treachery of the shore on the other; and likewise to measure aright the responsibility of even indirectly leading others to do that, of which they for themselves perceive the peril and the sin.

84. If then the Catholic principles, originally contemplated by the private conclave of Oxonian divines, be firmly and ineradicably planted within the Church of England, and from day to day assert an increasing sway over her temper and her actions at large; and if with these sentiments there be now at length combined the hazardous element of a positive leaning towards Rome, and a disavowal of the stern resistance offered by our divines in general to her claims; what is to be the issue? Must not this fire either spread or be extinguished?

85. Our answer must be founded on certain assumptions. First, on the assuption that the great spiritual laws and facts, upon which the Church is founded, shall continue to command the general assent of our spiritual governors. For we do not pretend to foresee the issue of the confusion that must inevitably prevail, if Clarkes and Hoadleys, or even if Scotts or Holloways, or, more generally still, if any description of extreme, or hot-headed, or light-minded men, were, for a series of years, to be chosen, under any combination of circumstances, to fill the posts of authority in the Church. Secondly, we proceed upon the further assumption that our governors, moderate themselves, shall also generously tolerate immoderation in others (of course, while using every effort to allay and abate it), even up to the farthest bounds of charity and wisdom, not only in compassion to human weakness, but from the consideration that, still oppressed by our own low spiritual state, we have not yet laid the

foundation of well-schooled opinions in chastened and mortified tempers. We do not look to, we should be among the first to deprecate, the designation of bishops from any one complexion of sentiment exclusively. Nor do we desire the prevalence of a cold mediocrity; nor to see preferment confined to such divines as might most strictly coincide with our own, or any other, private judgment. It should fall to men, firstly, whose sentiments lie clearly within the limits of extravagance or morbid affection this way or that; and next who will treat with uniform long-suffering and gentleness *all* that lies within those limits: men of devout earnestness, without temerity or passion: men who will act under the lively recollection that they are stewards for the future, and that every step, in which they tread awry, must bear injuriously upon interests of inestimable value.

86. Under these favourable, but (because they scarcely imply more than a continuation of what at present exists) not, as we think, extravagant suppositions, we look hopefully forward to the future development even of that theological school amongst us which most leans to Rome. For, in the first place, the testimony of the Church herself is so decided, and her precautions so many and effective, that it is, we believe, quite impossible for them to effect the importation of the system of actual Rome amongst us, if, indeed, which we do not wholly believe, they seek it. In the second place, we conceive, it is not in human nature that they should continue for an indefinite or very long period, without becoming either less estranged in spirit, or more so in outward position. And, seeing that their principles have determined the latter, while novelty and temporary excitement, as well as hard usage, must or may have acted upon the former, we confi-

dently look to the triumph of the permanent over the transitory influence, and to their gradual return to a more firm, cheerful, and harmonious tone of accordance with the institutions of the Church of England.

87. Much might be said upon a totally distinct aspect of the Oxford movement; that, namely, in which it looks towards Protestantism in general, whether as represented by such national establishments of religion as involuntarily lost the Episcopate, or by those who have wilfully departed from the reformed Catholic communions of these islands. But it is time that these remarks, already so much protracted, should draw to a close; and we shall do little more than offer one or two observations intended to obviate any misconstructions that might possibly arise out of what has been already said.

88. The doctrine of toleration, which we have advocated, is commonly popular with those who have not the upper hand; and who are apt to invoke it on their own behalf, without reflecting that their own conduct may shortly become a precedent and plea in the mouth of their adversaries. We have not overlooked this likelihood. When we speak of toleration, we mean equality of dealing; we mean patience, and brotherly or fatherly endurance, looking both ways; both ways limited by the integrity of the faith and of essential order; both ways free and absolute, but within those confines *only*. We do not, for example, ask on the one hand a licence to teach the doctrine of Transubstantiation, which is contrary to the Articles of the Anglican Church; nor, on the other, a permission to impeach the Catholic creed of all Christendom, by setting down, as contrary to Scripture, that clause of it which teaches "one Baptism for the remission of sins." Were the contradiction of the plain

declarations of the local, and much more then of the equally plain declarations of the Universal Church, to be legitimated by the course we urge, we should see in it an abandonment of truth and order, which never could lead to permanent peace, but must issue in general anarchy. But, on the other hand, we would as strenuously deprecate any attempt to bind consciences (for example) to Bishop Tomline's 'Exposition of the Seventeenth Article,' as to rivet upon them that somewhat technical and peculiar notion of the Eucharistic Presence, which Archbishop Cranmer, in his last years, adopted, and which he declared when upon his trial. No doubt it is an arduous task for spiritual rulers thus to hold the balance even and unswayed by the gusts of passion, and to discern the dividing lines of faith and opinion in the details of theology. But, unless it were for arduous tasks, why were great faculties conferred upon mankind, and great means and exercises supplied for their development?

89. Again: as we, in the capacity of a Church, have much to learn from other Churches, so, as leaning towards this or that form of thought and feeling within the Church, have we all much to learn from other modes of thought and feeling. We believe that, in the main, those who lean to the school called Evangelical, and those who regard with the strongest sympathies the Catholic movement, are alike, and earnestly attached to the communion of the Church; that they have many, and those the most essential, points in common: that both have rendered great services to the Church; that each has imparted much benefit to the other; that each is greatly superior to the conventional and secular school of clergy, frozen in doctrine and relaxed in life, which, by efforts unconsciously combined, they have been co-operating to sup-

plant. The Evangelical system, as well as the system more strictly and specifically Catholic, has its counterpart in the Church of Rome. There it exists in harmony with the whole, of which it forms a most valuable ingredient: we only want a diffused spirit of larger wisdom and a stricter discipline, to assign to it, in like manner, its place among ourselves. Without the safeguard of Catholic principles, it might indeed run out into fanatical excess, or wither into unbelief; but, amalgamated with them, it becomes a proper element of their exterior, if not of their vital, activity.

90. We shall venture, with great deference, to observe, that, in the particular of preaching, rather as to its form than its matter, our clergy, as a body, have yet much to learn; and that they may, perhaps, acquire a part of it from that school among themselves, which, in popular language, would be termed Evangelical. Preaching is a great Christian ordinance. It is also admirably suited, in its own nature, for the propagation of principles. We grieve, therefore, to see occasionally a sort of jealousy of this instrument, and a disposition as it were to avenge upon it the dishonour, which its exclusive admirers are so apt to do to the yet more solemn and elevated offices of the Church. But further: will the day ever arrive when English preaching in general shall attain to the natural ease and freedom, to that pastoral and persuasive character, in which we fear it is much behind the preaching of many other countries and communities, both Catholic and Protestant? It is not that it fails in matter and in thought. But the Sermon still remains, essentially, the written Essay. One consequence of this is, that it does not come with authority. Its very assertions of the doctrine of authority are themselves cold abstractions. It

has many excellences: the clergy strive hard, and in many cases with wonderful success, against a vicious system; but yet that, which is conceived according to the idea of a written essay, cannot, by any effort in the delivery, be converted into a warm and living sermon. We do not, in preaching, follow the path which Nature spontaneously dictates to a man, desirous through the gift of speech to persuade his fellow-men. A speech of two hours is often heard with less wandering of mind, than a sermon of thirty minutes; and that by men whose hearts are interested in the subject of the sermon, to a degree infinitely exceeding their care for that of the speech. But the sermon is a dissertation, and does violence to nature in the effort to be like a speech; the speech is, commonly at least, more like what Nature prompts. An essay may, indeed, be of such surpassing excellence, as to be heard with unbroken interest throughout; but the mass of the essays of a body of fifteen thousand men never can. We long for more than mere amendments in detail. Our need is for the introduction, or the general prevalence, of a new idea as the proper basis of the practice of preaching. This would place the Church of England in a position to avail herself of the full power of the mighty engine for promoting the glory of God, and the conversion, edification, and salvation of the souls of men. We do not say that any school or portion of the clergy is in anything like full possession of this secret. But we think it evident, from the results wrought upon our congregations, that the more full and Catholic teacher has in this matter something to learn from those, whose scheme of doctrine we believe to be far more meagre and superficial.

91. Again, as to the charge of uncharitableness, which

is advanced against Catholic doctrines, on account of their supposed bearing upon the spiritual condition of the members of sectarian bodies: We are convinced that this accusation is in itself light and bodiless as air; but we are not sure, in the same degree, that those, at whom it is aimed, are apt and successful, or indeed sufficiently sedulous, in showing it to be so. They are charged with unchurching other religious bodies. And indeed, upon the abstract position of societies as such, and as distinguished from the persons belonging to them, Catholic principles, we conceive, can have no mercy. But the question is, do those principles deprive pious individuals of their privileges, or their hopes? We would refer to the concluding part of the able work of Manning, on the Unity of the Church,* for a full answer to this question. In the meantime we reply, Catholic principles take from the members of sectarian bodies nothing which they claim for themselves. They say that sacraments are but edifying signs. It is not denied that in this, their own sense, they have sacraments. They allege that Churches are human and voluntary associations, for the purposes of Christian worship and instruction. It is admitted, that they themselves are so associated. They allege, that those members of their Churches who have a living faith and love, are united to the Redeemer, and are strictly members of His Church, mystical and invisible.† All this is joyfully recognised. All, that is positive and sub-

* 'The Unity of the Church.' By Henry Edward Manning, M.A. London: Murray, 1842.

† [These are under-statements. On the principles laid down in the text, it is plain that all persons baptised with due form and matter, are also members of the visible Church, by virtue of their Baptism.—W. E. G., 1878.]

stantive in their claims for obedient believers, Catholic principles not only allow, but declare. The real negations are on the other side. The Catholic faith, over and above what we have recited, teaches that there has been embodied in the Gospel revelation, a visible and permanent organisation, chartered and endowed with spiritual gifts for the salvation of men. This they deem heresy. It is their misfortune: would to God it were in our power to rid them of it! In doing it they would be invited to part, not with their belief, but with their unbelief. The Catholic has open to him the full breadth of the ground of spiritual communion with the pious soul, wherever that soul is found. He has also another ground, which supplies him with enlarged and expanded hopes for mankind, in the belief of a specific organ of ordinances for their salvation; could that ground be removed from under his feet, the change would enrich none, though it would make him poor indeed.

92. Nor do we indeed fear to add, that there is one vital and prolific subject, upon which the Catholic system lays a ground of sympathy and concurrence with the pious separatists of our own country, such as no other school of opinion within the Church can possibly afford. For no other school is friendly to ecclesiastical discipline: others have indeed, in this respect, sadly departed from the principles of the Reformation (whether Continental, Anglican, or Scottish); and Catholic views alone can effect a return to them. The great strength of dissent in this country lies, as we believe, in the impression of serious-minded persons of the middle and the lower class, that the Church of England is a faithless and adulterous Church, in her neglect of discipline over her lay members. To accomplish the removal of this impression, would be

to reduce dissent to a *caput mortuum.* It can only be removed, by an important progression in the Church with regard to that department; and, although we are precluded by want of space from pursuing further this interesting question, we have indicated the quarter from which only that progression can be expected to proceed.

93. And now we have done with our mighty theme. The brain almost reels at the magnitude of the interests, and therefore of the hazards, involved in it. It has been our desire to handle it with a freedom proportioned to the necessities of the case, but not exceeding them. If towards any communion, Protestant or unreformed, towards any person of whatever station or whatever sentiments, we have entertained convictions or uttered language wanting in charity or respect, we acknowledge the heaviness of the fault, and implore pardon. And, at least, we cannot draw the curtain upon the sad picture of Christian division and dissension, without beseeching the reader to offer up to God the fervent prayer, that the afflicting contemplation of such a scene may inspire him with the resolution to "seek peace and ensue it" in the vineyard of the Lord on earth; and, if he cannot here enjoy his soul's desire, then, that he may be moved by the prevailing discord the more manfully to press towards the mark for the prize of entering into that rest, wherein the unclouded presence of God shall enlighten His people, and His unity shall enfold them for evermore.

II.

WARD'S IDEAL OF A CHRISTIAN CHURCH.*

1844.

1. [THE publication of Mr. Ward's portly volume announces with more than ordinary distinctness the arrival of a crisis in the destinies of the English Church. Not such a crisis, however, as that which attends upon the course of fever, and which works out for itself a sharp and sudden issue. On the contrary, notwithstanding all that has been erroneously, and all that has been truly said of the flagrancy of abuse, of the prostration of discipline, and of the feuds and variances of doctrine, in the Church of England, nothing seems more plain than that her subjective materials are after all too solid, and too tenacious of the life which they contain, to permit, in the

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* [This paper may be termed polemical; but I republish it, after an interval of thirty-three years, because it is also, and yet more properly, historical. It relates to a great crisis in the Church History of the country; and to the arguments maintained, and methods pursued, by one of the most vigorous, consistent, and personally respected, among the large and important body, or rather series of men, who, in the period between 1840 and 1860, seceded from the Anglican to the Roman Church. This Essay was largely considered by Mr. Lockhart, at that time the able and practised Editor of the *Quarterly Review*; with the advice and assistance, I believe, of Bishop, then Archdeacon, Wilberforce. It was shortened by some omissions. I have reinserted the principal passages between brackets. The paper appeared in the *Quarterly Review* for December 1844; and it was a criticism on 'The Ideal of a Christian Church, considered in comparison with existing practice.' By the Rev. W. G. Ward, M.A., Fellow of Balliol College, Oxford. 8vo., London, 1844.—W. E. G., 1878.]

minds of reasonable men, the serious apprehension of any such contingency. Besides which, the patience of most, perhaps of all, classes of churchmen has already been so seriously tried, in more ways than one, during recent years, that upon a review of their chequered and uneasy history, such reflections are suggested as these:—if convulsion had been at hand, it must already have come; if there had been combustibles enough for a conflagration, all must already have been in flames, for by this hand and by that the match has certainly been applied. But those who dismiss any speculation so alarming may still believe that the Church of England is capable of being, and has become, the subject of a crisis in another and not a less real sense. The admission or the new development of determining influences, previously unknown, either because not present or because not perceived, may involve processes of life and death as surely as any sudden access or revulsion of the force of disease; and the former, on account of its graduated movement, requires far more care to detect and to exhibit it; far greater effort in those, to whose view it is accessible, to appreciate and to realise it.

2. Thus, for example, the Revolution of 1688 was the commencement of a crisis in our ecclesiastical history; it set in motion positive elements and forces, of which the impulse went to the very seat of life; and yet it appeared to be little more than a negative event, the escape from a particular casualty, and the attainment of a position of perfect equilibrium and permanent tranquillity. So true is this, that our historians in many cases have ceased, from the accession of the House of Hanover or thereabouts, even to take notice of that department of affairs: as if the Church had then attained a fixity so absolute that it

might be eliminated, like a constant quantity, from among those fluent materials with which history is conversant. But we have now entered upon a reversed career; and it is important that we should mark the point of its commencement, and estimate, as far as we can, both the stages of its progress, and its eventual destination. Where is this to end? is the question which solicits and absorbs the thoughts of men. And the work of Mr. Ward at least does us this service: it exhibits a picture which is sufficiently definite and intelligible, and which is also sufficiently lively and impressive in its principal constituent parts: so that it both describes systematically, and realises to us what it describes. It must show a fault in our own powers of observing, of feeling, and of reasoning, if we do not turn such a production to account.

3. Mr. Ward shall receive at our hands a different treatment from that to which, as we perceive, he has been subjected by a portion of the public journals of the country. That a clergyman of unblemished character, who writes seriously and in good faith, should be met by argument and charity, and ought not to be made the subject of coarse and rancorous abuse, we should have ventured in a Christian land to term a self-evident proposition, if we had not the melancholy proofs before us from week to week that there are those who become blinded by passion to its truth. But it is a much more serious evil, in a case of itself so grave, that the cause of unity in the Church should suffer by the exhibition in caricature of a production which, if it be already extravagant, it is the more dangerous further to distort. For when from a continuous and elaborate work written, as we think, under the influence of very warm tempers, passages are culled here and there, not for the purpose of exhibiting its

general tenour; but, on the contrary, with a careful and an exclusive selection of everything that is extreme, then, however accurate the citations may be in detail, the result as a whole is gross misrepresentation. For our own parts we cannot but feel that, in a state of religious *eunomy*, propositions such as those of Mr. Ward should be dealt with by authority: and individuals who in default of any such instrument take his work in hand should approach their task with a solemn sense of responsibility, with every effort to attain and to maintain a judicial temper, and with the desire to compose the minds of men, in so far as either the work itself, or unjust and untrue accounts of it, may have tended unduly to trouble them.]

4. We shall commence by presenting some of those softening shades which will, in the eye of the general reader, relieve the more glaring colours of the book. And first of all we must quote a passage, in which, with evident sincerity and an engaging warmth, Mr. Ward places himself in the category of the struggling sinner, and not of the aspiring saint.

"Should it be imagined that the free strictures and confident opinions in which I may indulge imply any arrogation to myself of moral superiority over those whom I criticise: should it be imagined that when I acknowledge the English system to be in many particulars uncongenial with my own feelings, I allude to the impediments by which it thwarts the aspirations of a holy mind after saintliness, rather than the absence of such helps as may support an erring and sinful mind in the most ordinary path of salvation: should this be imagined, I should be almost overpowered with shame and confusion."—Pp. 7, 8.

Let us keep on friendly terms with Mr. Ward while we can, and acknowledge that at least he makes a good commencement in thus taking "the lowest room": according to that noble prayer of Bishop Andrewes, "Oh, give to me,

the meanest of them all, the meanest place beneath their feet, beneath the feet of thine elect, of the meanest of them."*

5. Next, Mr. Ward appears not to contemplate leaving the Church of England.

"The very idea of leaving our church has never been before my own mind as an immediately practical question: my present feeling is (without for one moment judging others) that I should myself commit a mortal sin by doing so; and it has been my uniform endeavour to divert my imagination from dwelling on such a contingency, even as a future possibility."—P. 71.

But further, he distinctly disavows the intention of remaining in the Church as a spy, or traitor in an hostile camp: Mr. Ward urges that he has always enforced (p. 67) the claim of the Church on our allegiance. He can understand, he states, a person's considering anxiously whether or not to join the Church of Rome:—

"But I cannot understand that a religious person should for any length of time doubt that if he do remain in our Church he must remain as her faithful and attached son; not standing as it were with one foot in England and the other in Rome, but devoting himself with undivided loyalty to his immediate mother."—P. 67.

6. And, in illustrating this position, he lays down principles which, as we think, may indeed presently be appealed to against himself, but of which he is fully entitled to the benefit in any estimate we may form of his motives and conduct. For these, and not the truth, wisdom, or justice of his views, are the matters we have for the moment before us.

"He" (that is, the religious person) "will fix his affections im-

* Devotions, p. 165. Ed. 1830.

mediately on the Church wherein God has placed him, and only *through* that on the great Catholic community throughout the world: the English Church will be to him"—

(the reader should mark well these words)—

—"will be to him the visible embodiment and channel of his Lord's presence."—P. 68.

And he proceeds to exemplify various forms in which this attachment will work. Nor is this in a single passage: but again he claims "a genuine allegiance and attachment to the Church of England in the truest sense of the words," and "a hearty loyalty to our own Church" (p. 4).

7. Mr. Ward is fondly attached to the "Common Prayer Book" "as a whole"; and though he thinks there are minor differences, not inconsiderable in themselves, with regard to it, yet he will not name them, because it is "so very dear to every Catholic-minded member of our Church, and taken altogether is in *essentials* so accordant with the old Catholic services" (p. 114).

And here we must stop to remark what a cause of unbounded thankfulness it should be to us, that all classes of members of the English Church are so sincerely united in their affection to the Book of Common Prayer as the faithful exponent of Gospel truth in all those holy ordinances which it sets forth. We have shown Mr. Ward at one extremity professing this attachment: Mr. Isaac Taylor is not less ardent in professing it, from the very opposite point of the compass, at which he stands.* Not that they describe it in the same terms, or value its different parts in the same proportions: Mr. Ward admires

* Taylor's 'Ancient Christianity,' vol. ii. pp. 489–510.

its Catholic character; Mr. Taylor's enthusiasm is kindled by his believing it to be thoroughly Protestant. But at least this gratifying picture is exhibited, that in a period of very serious distractions, those who represent the most marked contrasts of opinion within the Reformed English Church, unite in prizing very highly, and in prizing as a whole, that Liturgy which is no merely accidental appendage to her, but which constitutes to the great mass of her members the principal exhibition of her character and (under the sacred Scriptures) nearly the whole of her authoritative teaching. If, amidst their disputes, men could but steadily keep in view the thoughts and purposes of peace, surely they could not fail to perceive that, in this country at least, when one man extols the Prayer Book as Catholic, and another as Protestant, many of the very same ingredients in its composition are at the same moment present to the mind of each, though expressed by them under different, and, as some will have it, incompatible designations: such ingredients as the intense earnestness of its confessions, the comprehensive scope and the fervour of its prayers, the majesty of its hymns of praise, the truth and force with which it represents and provides for the mutual relations of God and His worshippers, and of men one towards another.

8. But further: this is not to Mr. Ward a merely abstract excellence; he contemplates the Church offices as capable of ministering abundantly to our spiritual needs.

"Such is the great blessing we derive from that profession of orthodoxy which our Church has retained: the Creeds and the Prayer Book have stored within them all that the sorrowful or sinful soul can need: all, that is, except supernatural grace, and that our Church is also privileged to dispense."—P. 459.

And this assertion of the title of the Church of England

to dispense grace is presented in bolder relief by a passage which compares her position with that of Dissenting communities.

"We feel attachment to our Church, because through it we were born again, and because through its ordinances we obtain communion with Christ. I have never for one moment wavered in this conviction, from my first article in the British Critic to my last: and here is a marked difference between the attachment entertained by English Churchmen to their Church, and that felt by Dissenters of various classes to their respective societies. If Dissenters enjoy communion with Christ (and I rejoice in believing that very many do enjoy it), it is not *through* their Church that they enjoy such communion, nor do they profess it to be so: but our Church is a channel of sacramental grace."—P. 102.

No narrower meaning can justly be assigned to these passages than that the Church of England is at least a true branch of the Church of Christ; for there is no other body than that Church, as we apprehend, of which, according to the creed of Mr. Ward, it can allowably be predicated that it is "privileged"—or endowed with title and authority—to dispense supernatural grace. Nor would it be possible, unless this character were recognised by him in the Church of England, that he should draw the contrast which he has exhibited between her and Dissenting communions, and according to which the one is a medium of communion with the Redeemer, and the others are not. As if, however, to obviate any doubts on this head, Mr. Ward has apprised us that the complaints he has to make are directed not against the Church, but against a system which he deems to be alien and intrusive (pp. 72, 386).

9. The effect of this introduction will probably be by no means to soften what is to follow, but rather to aggra-

vate the shock which the denunciations and invectives of Mr. Ward cannot fail to impart to the minds of Churchmen in general. We do not undertake, be it observed, in any manner to reconcile them with the passages which already have been quoted: but we think it much more just, both to the Church and to Mr. Ward, to assume as axiomatic the declarations of his allegiance, and to leave it to him to bring other parts of his book into harmony with them, than, for the sake of producing greater stir and effect, to exhibit as the principal objects in the picture sentiments which appear irreconcilable with the fundamental laws of its composition.

10. The points, which Mr. Ward has moved and questioned, are by far too numerous to be extracted and discussed in anything like complete detail. Our design will be confined to the consideration of certain leading positions, and we shall also dwell more on his modes of examination and judgment than on his results. We propose to consider chiefly—

(I.) His treatment of the English Reformation and Reformers.

(II.) His methods of estimating the Church of England and the Church of Rome.

(III.) His novel and most dangerous philosophy concerning the supremacy of conscience in the pursuit of moral and religious truth.

(IV.) Some topics relating to those questions of ecclesiastical allegiance which the appearance of a work of such a nature, and from such a quarter, could not fail to bring into livelier agitation.

11. In defence of the freedom of our own language, we shall only beg that it may be estimated with reference to the momentous character of the subject-matter, and to the

tone of the work which calls it forth. We shall, however, seek to profit by the excellent example of the author before us, in avoiding the imputation of motives. It will be our task to exhibit facts and reasonings, to follow their guidance, and to offer the comments which they themselves properly suggest; without either the right or the desire to impeach Mr. Ward's sincerity and earnestness in obeying the dictates, though, as we should say, the much mistaken dictates of his conscience.

12. (I.) Let us commence with Mr. Ward's view of the English Reformation; on which we must thus early fasten the charge of most extravagant injustice.

He begins by informing us that "some members of the English Church" (including himself) "regard with deep and burning hatred that miserable event" (p. 44).

And in a note (p. 44) he complains, that whereas conscience, though ill directed, prompted the Foreign Reformers in their movement, he can find in England no trace of such a process, at least among the leaders of the Reformation. "They objected, indeed, to the prevalent corruptions," but not with the "single-minded and honest indignation" of Luther: "their real grounds of offence seem to have been mainly of a political order."

"Their principle seems to have been, so far as they had any, that men may without grievous sin, nay innocently, nay laudably, leave the system in which God has placed them, without ever having honestly and heartily tried it, and thus spiritually apprehended its real nature, from having intellectually compared its external appearance . . . . with some external standard; in other words, that not conscience, but intellect, is supreme judge of religious truth. It will be seen, then, that I cannot at all agree with those who prefer the English Reformation to the Foreign; so far from it, I know no single movement in the Church, except Arianism in the

fourth century, which seems to me so wholly destitute of all claims on our sympathy and regard, as the English Reformation."—Pp. 44, 45, *note.*

13. But lest it should be said these are hasty and isolated expressions, Mr. Ward by-and-by returns to the charge, and assures us not only that his language, "deep and burning hatred," for example, falls short of his convictions, but likewise that these convictions are entertained, as we understand him, with the certainty of faith.

"When I feel called upon to use strong language about the corruption of our own Church, the sinfulness of the Reformation, or similar matters, I really am not at all conscious of being influenced either by desire of eccentricity, or by a spirit of undutifulness. The words I use do not even fully express the convictions that are among the very deepest I feel."—P. 293.

14. Thus far, however, Mr. Ward has assailed chiefly by implication the personal characters of the Reformers; but this defect he subsequently supplies; for he is not ashamed to accuse them distinctly of an

"utter want of fixed religious principles."—P. 481.

And he broadly separates himself from such persons as may

"look on the leading Reformers as serious men, as having been zealous for doctrine, and as having realised their religious expressions."—P. 481.

And once more:

"I do not myself think . . . . our leading Reformers were serious men, and cared for religion on its own account."—P. 478.

15. Nor will he allow even the results of the English Reformation to occupy a position of advantage as compared

with those of Germany: he continues to the close of the volume to be "unprepared with an opinion whether the cause of Protestantism has been more disastrous here or abroad" (p. 428); and he fears that it is the very same spirit working according to the speculative genius of the one country, and the practical bent of the other, which has produced in Germany the "self-willed and arrogant questioning" of Christian dogma, and in England—

"such phenomena as those with which we are familiar; an unbridled thirst for gain; selfish neglect of the poor; disregard of the claims and of the distresses of conscience; a habit of miserable and cowardly compromise; a deeply and widely extending secularisation of the Church."—P. 429.

16. Here is the verdict deliberately pronounced by Mr. Ward against the English Reformation and its authors: and it amounts simply to this, that no words which human language will supply can suffice to describe their vileness. But where are the grounds of this verdict? Where are the evidences of patient, laborious, and impartial examination, by which alone such a verdict could be justified, and without which it cannot be excused? Mr. Ward will remember the Athenian law, by which in certain cases the accuser failing in his proof forfeited his head. A great moral truth was figured by that law: the immense responsibility of those who bring heavy charges: and, by consequence, both the great merit of those who impeach justly, and the great guilt of those who accuse falsely. Even a false accusation, however, may be palliated upon one condition: it is, where he who imputes the crime has taken all the means in his power to know the truth, and has failed from some cause other than his own negligence. What shall we say then of Mr. Ward? He sums up the

motives of the Reformers into a gratuitous and fanciful theory, of which we will venture to say that it had no original either in the facts of the case or in the minds of any one of the men whom he has denounced as its followers; but he does not condescend to bring evidence, to particularise his charges, to afford any clue by which we may either arrive at a persuasion of their truth, or demonstrate their futility: he does not show, he does not even say, that he has applied his mind to the study of the records, vast and complex as they are, of the prolonged and diversified proceedings, which he heaps together under the name of the English Reformation.

17. If his tremendous imputations are true, they are true, so far as he is himself concerned, by a happy accident: unless indeed it be that he has used the perfection of pains to conceal his pains, and has in secret investigated the depths of his subject while in his published work he skims lighter than Camilla along the surface. But, whether he has done so or not, he does not stand *rectus in curiâ* himself; for he was bound not only to do it, but to show that he had done it. Every principle, not only of reverence, but of propriety in a much lower sense, and one tithe of that regard for "the sacredness of hereditary religion" to which in its other bearings he assigns so enormous an importance, required of him that if he deemed it his duty, as a priest of the Church of England, to pronounce the heaviest of all judgments upon his antecessors and progenitors in the faith, he should prove that this had been done only in a sorrowful deference to conscience at every step, and not without the grave and dispassionate examination, which his learned leisure in Oxford, and his manifest abilities, would well have enabled him to institute. But, instead of this, he appears

tranquilly to assume that the English Bishops of the sixteenth century are ecclesiastical outlaws, against whom any and every man's hand is to be raised; that, in order to dispose of their claims upon us, no process is necessary, no counsel or jury, no judge, no testimony; the hangman is the only personage whose function is applicable to their case, and even he cannot "fully" discharge the debt due to their demerits.

18. Under these circumstances, then, we except *in limine* to Mr. Ward's competency to act as a teacher and a guide through the thorny passages, which he has chosen to tread. He has undertaken an Herculean task in "endeavouring to obtain some little insight into that hitherto unexplored abyss, our doctrinal and practical corruptions" (p. 103). We will not admit that he can lawfully challenge an opponent to contest these great historical questions with him at all. By reason of his own contemptuous procedure, his broad and sweeping denunciations do not even raise a presumption against their objects, but they recoil with no small force upon himself. The presumption which he does succeed in raising is this, that he himself labours under internal disqualifications of intellectual habit, or of temperament, for the work to which he has set his hand: and, if he hopes hereafter to vindicate himself, he must substitute for the saltations by which he reaches his conclusions in the work before us, the patient and measured march of thought, which no Oxford student has an adequate excuse for having failed to learn under the auspices of Aristotle and of Butler.

19. Now, we shall not pretend to present an historical confutation of Mr. Ward in these allegations. It is extremely difficult to grasp air and to fight with moonshine; and it is scarcely less hard to deal with charges which,

ponderous as they are, are so deficient in particularity, and which so entirely avoid any appeal to evidence. There is no link or bond, connecting them with the actual events of the time, to which the test of examination could be effectually applied. Yet enough may be said to show presumptions at least that his representation is not more unwarrantable for the mode in which it is made, than it is baseless in itself.

20. He says of the English Reformers that "their real grounds of offence seem to have been mainly of a political order;" and that they thought men might laudably "leave the system in which God had placed them without even having honestly and heartily tried it." Who are these English Reformers, whose grounds of proceeding were mainly political? To take the latest period first—are they Parker and his contemporaries? Surely it is difficult to maintain that political motives can be imputed as the probable ground of the ecclesiastical measures which were pursued at the accession of Elizabeth. On the one hand lay the See of Rome, great in its influence and in its associations, and supported by all the principal thrones of Christendom. On the other hand lay a Protestant party, widely spread through France and Germany, south as well as north, and politically combined, though doctrinally far from being harmonious in itself. What did England resolve? She joined neither with the stronger party, nor even with the weaker. She took a course, indeed, nearer to that of the last than of the first, but wholly different from it. She did not adopt the distinctive theories either of Lutheran or Calvinist; but offended the first by declining the device of consubstantiation, and the last by the whole tone of her liturgy, her hierarchy, and her ceremonial. Thus far, then, their pro-

ceedings were surely anything but those of merely political churchmen.

21. Nor was this done accidentally. Foreign influences had become powerfully impressed upon the Marian exiles. A strong mind and a strong hand were required to repress them; and these were not wanting in the day of need. With a consummate wisdom, it was determined to use every effort for avoiding, within the limits of this country, any rupture of communion. And the measures of reform were so devised, that such rupture was avoided until the Pope, whose bull, according to Mr. Ward,* may not be made the subject of adverse comment, undertook to depose Elizabeth from her throne, and to invite and enjoin her subjects to put an end to her existence. Why is it to be alleged that there was no religious motive in the mind of Parker and his colleagues? Did they act as, under the circumstances, religious men might or would have acted? Did they erect firm barriers, which have never yet been thrown down, against the growing sympathies with the followers of Zuinglius and Calvin? Did they enshrine in the liturgy the principles, which produced the Anglican theology of the seventeenth century? Did they frame their Articles in a spirit so Catholic, as to carry with them, a few individuals excepted, the whole body of the clergy and of the people? Did they resemble politicians in pandering to the passions of the violent, or did these leaders, of whom we speak, either encourage the sacrilege of the nobles, or erect for themselves great estates out of the wreck which was then made of the

* Mr. Ward says this of dogmatic decrees of the Pope. But we apprehend that the dethroning power was urged as a dogma in what may be called with fairness the authoritative teaching of the Church of Rome.

huge and overgrown possessions of the Church? As their measures and language were moderate in comparison with those prevalent at the time, so were their lives pious and blameless. We cannot read their hearts, if Mr. Ward can; but reduced as we are to the ordinary and humble process of exercising the judgment upon matters of fact, we say that Mr. Ward's scandalous imputations cannot be fastened upon Archbishop Parker and his prominent coadjutors.

22. Now it will not suffice to say that all this was owing to Elizabeth, and to her love especially of high prerogative; for, in the first place, it is notorious that Elizabeth did not always meet with the concurrence of the Bishops; and, in the second, we apprehend that, at that period, the extreme Protestant party was even more ready than any other to have allowed and claimed, for a sovereign friendly to them in religion, the largest powers. A hundred years had yet to run before the discovery was to be made by the second Charles, that Presbyterianism was not a religion for a gentleman. And here we have touched upon a part of the subject, which appears to us to have afforded to Mr. Ward the occasion of carrying to a climax his capricious injustice. If there be one measure which, in our judgment, more deserves our gratitude and praise than any other of those which were adopted at the period, it was the plan of framing the Articles of religion in such a spirit of comprehension as might avert the rending of the body of the Church. It is also, we apprehend, historically undeniable that in the same spirit the Elizabethan Reformers, when they altered so materially the Communion Office of the Second Prayer Book of Edward VI., kept in view such a liberty of opinion with respect to the Real Presence, as might serve to attain that great end of pre-

venting a schism. In the Articles were inserted such guards, as they thought necessary to obviate the danger of a recurrence to the extirpated abuses; but no more.

23. To this comprehensiveness of purpose Dr. Pusey has, on the part of those with whom Mr. Ward is presumed to sympathise, made an elaborate appeal.* Will it be believed, by those who have not read the work of Mr. Ward, that after this recourse to the spirit and intentions of the Reformers for protection, that very same assumption should have been converted by Mr. Ward into one of the bitter and withering charges in which he so much abounds? He accuses those whom, until he has carefully and judicially examined their acts, he is bound to revere, of a vile deception:—

"Three years since I distinctly charged the Reformers with fully tolerating the absence from the Articles of any *real* anti-Roman determination, so only they were allowed to preserve an apparent one: a charge which I here beg, as distinctly, to repeat."—Note, p. 100.

And again, he says he explained three years ago—

"the manner in which the dry wording of the Articles can be divorced from their natural spirit, and accepted by an orthodox believer; how their *primâ facie* meaning is evaded, and the *artifice* of their inventors thrown back in recoil on themselves."—P. 69.

24. But we return to the charge, that political and not religious motives prompted the English Reformation. Perhaps Mr. Ward meant this charge, not for the Elizabethan Reformers, but for Cranmer and Ridley, and their coadjutors of the time of Edward VI. But nothing can be more alien to the presumptions which the facts suggest.

* A Letter to his Grace the Archbishop of Canterbury, by the Rev. E. B. Pusey, D.D. Oxford, 1842.

If we examine the records of the time, we there trace the progress, in the mind of Cranmer, of particular opinions as his life advanced. We know of him also that he was a diligent student, and a master of patristic learning: and even the bitterest adversary must allow that Ridley was a practised theologian. Mr. Ward admits that both these prelates protested against prevailing corruptions; but not, it seems, with quite enough of single-minded and honest indignation. Would to God that this same quality of indignation, a sad snare as it has been to many virtuous minds, and a powerful instrument in the hands of Satan for their deterioration, if not their destruction, were not in the sight of Mr. Ward a pearl of such great price! For our part, we lament that so wide a scope was given at the period of the Reformation to a temper which, we deeply regret to say, Mr. Ward's book, on account of the triviality of its investigations of fact combined with the savageness of its censures, seems to us more calculated than any other recent publication to revive.

25. But, whatever be the value of this sort of indignation, and however Cranmer and Ridley may have failed (of which we were, however, certainly unaware) to display the quantity of it necessary for the teachers of the Gospel, at least the absence of it will scarcely be held to constitute a proof that they had no other than political motives; particularly as it happens that much is known of the internal history of their religious sentiments, and as the course of public Reformation at the time corresponds with it. Other presumptions, however, against Mr. Ward are not wanting. It is the judgment of Mr. Hallam,* that the

* 'Constitutional History of England,' vol. i. p. 143, n. "In fact no scheme of religion would on the whole have been so acceptable to

religious changes made by Henry VIII. were eminently popular with the nation at large. But, on the contrary, those further alterations, which followed in the reign of Edward VI., even excited serious outbreaks among the peasantry. It was not, therefore, from political motives of a domestic kind that such alterations could have been adopted; because they converted a quiet and, on the whole, an united temper of affairs into one of considerable distraction. But surely, neither was it from a regard to political support abroad; because, if that had been the object, we should have found the English Church taking for her model the proceedings of the German reformation, or else of the Swiss and French, and taking sides in the struggle which was then in progress, instead of pursuing gradually her own line, according to her own convictions. She would likewise, in that case, have leant determinately towards that party among the Protestants of the Continent, which seems to have been by much the strongest at the time, namely the party of Luther and Melancthon. But, on the contrary, when, in the latter part of Edward's reign, foreign sympathies began to act powerfully on the English Church, they were manifestly of the Zuinglian school, and they left a marked impression upon the Eucharistic Office of the Second Prayer Book.

26. If, lastly, Mr. Ward means by his charges of political motives, simply a spirit of opposition to Roman interference, as seems probable, then we are surprised that he did not recollect that everything of this kind was

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the nation as that which Henry left established, consisting chiefly of what was called Catholic in doctrine, but free from the grosser abuses, and from all connection with the See of Rome. Arbitrary and capricious as that king was, he carried the people along with him, as I believe, both as to what he renounced and what he retained."

already secured when Edward VI. came to the throne. In the latter part of the reign of Henry VIII., such beginnings of a doctrinal Reformation as had been previously made had been almost entirely suppressed: but the ecclesiastical power of the Crown stood higher than at the ultimate settlement under Elizabeth. Surely, then, Cranmer and Ridley must have found themselves satisfied upon the accession of Edward VI., so far as the repudiation of Roman interference, and not only this, but the guarantees of that repudiation, in the erection of the royal supremacy, were concerned; and there remains accordingly no ground for the imputation that political motives urged these prelates upon the advanced measures of religious reformation, which were adopted under that sovereign.

27. We are driven back, then, upon the first of the three distinct periods of the English Reformation, namely the reign of Henry VIII. And here Mr. Ward may perhaps be surprised to find that his accusation really lights, so far as it can find a resting-place at all, upon heads different from those for which it was intended—upon the heads of Warham, of Bonner, of Gardiner, and of Tunstal. For it was in 1531, when Warham was Primate of the Church, that the Convocation of the Clergy acknowledged the headship of the Crown; and the three other prelates who have been named actually wrote against the Papal supremacy.* It was also before Cranmer became Archbishop that the statute was passed, in February 1533, prohibiting appeals to Rome. So that, in point of fact, that upon which the ecclesiastical title of the sub-

* [Bonner and Gardiner are those most open to the charge of subserviency: as the book *De verâ obedientiâ* was not published until 1534. Bonner wrote the Preface to it.—W. E. G., 1878.]

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sequent English Reformation under Elizabeth appears to turn, namely the matter of the royal supremacy, was synodically determined before Cranmer became a bishop, and under a body of prelates not one of whom was a party to the doctrinal and ritual reformation of a later date. Again, although it is true that the act against bulls dated from the primacy of Cranmer, yet he was but one, and it is notorious that that measure also had the concurrence of his brethren generally. It thus appears, that Mr. Ward's charge of political motives, if warrantable at all, which we do not mean by this hypothesis to concede, is most applicable to those bishops of Henry's time who are not at all included under the ordinary designation of English Reformers: it is utterly inapplicable to the Bishops of Edward's reign (excepting Cranmer), who made a reformation that was subsequently overturned and abolished; and it is not supported by a shadow of fair presumption in reference to Archbishop Parker and his contemporaries, the Reformers to whom we are mainly to ascribe our present settlement.

28. As to the further charge, that they had not tried the system from which they departed, we ask whether it is possible to conceive anything more calculated to arouse the displeasure of just men or the ridicule of the world, than that a gentleman of the nineteenth century should acquaint the country that those bodies of grave and serious persons, born under the Papal jurisdiction, trained in the lap of the Roman Church, given to study, holding most responsible situations, of unimpeached personal character, and remarkable, at least among the men of that age, for the deliberate graduation of their measures of reform, had had no real experience of that system, which it was the purpose of their lives to amend; this gentleman himself

being one who was born out of that system, who has only begun within the last few years to think about it, and who can have had no experience of it whatever, but simply contemplates it as a spectator from afar!

29. But, again, Mr. Ward thinks that the English Reformation will not even bear a comparison with the Foreign one; that it was worse in its character, and not better in its results. Let not any one suppose from this statement that Mr. Ward has an undue tenderness for the foreign Reformation. On the contrary, he says of the Lutheran doctrine of justification, that he rejoices to have

"ventured to characterise that hateful and fearful type of Antichrist in terms not wholly inadequate to its prodigious demerits." —P. 305.

One would think this was the *ne plus ultra:* but the immense capacity of his powers of wrath and indignation enables him to open in the lowest deep a deep lower still. This doctrine of justification is not the only "prodigious demerit" in that system of which he is apprised. He may or he may not have seen the sentiments preached by Luther in his Sermon on Matrimony, or the document which conveys his judgment, and Melancthon's, in favour of the bigamy of the Landgrave of Hesse (a judgment of which we believe he afterwards repented). But Mr. Ward ought to have seen these things, before he so coolly and glibly condemns the Bishops of his own Church in comparison with the Foreign Reformers. He quotes, however (p. 176), with apparent concurrence, a recent and remarkable pamphlet by Sir W. Hamilton, of Edinburgh, which charges Luther and Melancthon with having introduced a state of things subversive of all moral and religious law; with having preached incontinence, adultery, and incest; with having maintained polygamy to

the last as a religious speculation; with having desired to allow to Christian liberty a space not less ample than that of Mohammedan licence; and with having caused a fearful dissolution of manners throughout the sphere of Luther's influence.

30. All this Mr. Ward appears to adopt. And, again, he makes no such charges against the English Reformers. He does not state, nor can any man state, that they thus relaxed the marriage tie, or assailed with impure teaching the public ear. He does not pretend that, while setting up in an ostensible exclusiveness the authority of Scripture, they impugned the sacred book of the Apocalypse, or declared the Epistle of St. James to be an epistle of straw. On the contrary, he will find them not only labouring to repress the excess consequent upon great excitements, but we think also forbearing for the most part the use of such illegitimate means as tend to produce that evil. He will find them sedulous in the endeavour to maintain holy observances, the frequent Eucharist, and the daily sacrifice of prayer. He will find that in that daily sacrifice the people largely participated until many years after these Reformers were in their graves. And again we ask—is it consistent, we do not say with the Catholic temper of reverence and awe, but with the most homely and vulgar decency, for the English priest of 1844 thus to cast obloquy upon the English Bishops of the sixteenth century, to praise at their expense that Foreign Reformation which in its absolute character he declares to be abominable and anti-Christian; and to do this not only without proof, but where even the slender materials of testimony he thought fit to use told with resistless force against the wild and wanton opinions he has broached?

31. As to the results of the German Reformation, upon which Mr. Ward is so cautious—for he, too, has a caution, and one not less singular than his precipitancy—we fear it is well known to him and to others, that among the principal of those results has been a total loss (we speak of bodies only, not of individuals) of the idea of a fixed, changeless system of dogma, an objective truth revealed to men, and made available for their use in the Gospel. And there is nothing, in our view, that suggests more melancholy, or perhaps more useful reflections, than the observation of that principle of decadence, without the power of systematic reaction and recovery, which seems to have marked the course of aboriginal Protestantism, in nearly every case where, instead of being a protest in and by the Church, it became a protest against the Church. We will not be provoked by Mr. Ward's assaults upon the English Reformation to enter into the details of this painful subject. It probably has not occurred to him, as it has done to us, to hear from the lips of a German of high station,* that he had listened to sermons delivered from the pulpit, for the purpose of disproving the being of a God. Not for the purpose of inflaming our "insular pride," of which we readily allow to Mr. Ward it is more than time we were well rid, but for the purpose of adoring God in respect of those perils from which we have been saved by the men Mr. Ward vituperates, we recommend to the reader the lucid and temperate volume of Mr. Dewar, the British Chaplain at Hamburg,† which traces in outline the course of opinion

* [Baron Bunsen.]

† 'German Protestantism.' By the Rev. G. H. Dewar. London, 1844. See also the recent testimony of Dr. Heugh, a Scottish Presbyterian, 'Religion in Geneva and in Belgium.' Glasgow, 1844.

in Germany since the Reformation, with respect to the whole theory of belief.

32. (II.) We come now to Mr. Ward's representation of the present state of the English Church: and here the method he has pursued will obviate the necessity of lengthened quotations in order to an exhibition of his views. For he has summed up, in the contents of the sixth Chapter, such a portion of his charges as may present a fair sample of them. She has no system of moral discipline for the poor, and none for the rich; she "totally neglects her duties as guardian of and witness to morality"; and "totally neglects her duties as witness and teacher of orthodoxy" (p. xi.). And not only this—but she is "wholly destitute of external notes, and wholly indefensible as to her position by external, historical, ecclesiastical arguments" (p. 286).

33. We shall distinguish between this assertion as to the historical title of the Church, and the examination which Mr. Ward has instituted into her neglect of orthodoxy, of morality, and of discipline. And with regard to the first we must say, it is only another added to the many insults heaped by him upon the spiritual mother, through whom he received the knowledge of Christ, and was born into the family of God. At this conclusion, indeed, or perhaps any other, it might have been his misfortune, after investigation, to arrive. But it has been the subject of the controversy of centuries, in the hands of men of first-rate ability and learning. Hooker, Andrewes, Laud, Bramhall, Stillingfleet, Bull, and very many more, have laboured in this field, and have left behind them monuments of great industry and great sagacity. Nay, the recent effort of Mr. Palmer, in his elaborate work on the Church, has at least had this high compli-

ment paid to it, that there has been (we apprehend) no attempt at an answer to it by the Papal party in England.*

34. Has Mr. Ward made himself master of this great controversy? He has evidently succeeded in dispelling all remains of doubt upon it from his mind; and he informs his brethren, that, contrary to their fixed persuasion, there is no external, no historical, no ecclesiastical argument of the slightest value to be urged an behalf of the Church of England. Has he, we ask again, undergone the labour of a process adequate to the breadth and the weight of his conclusion? We are bound to say his book shows no sign of his having at any time even read, much less fairly weighed, so much as a single work upon the subject. But, even if he has not picked up in retail at second and third hand the mere commonplaces of the adversary, and made them without a moment's thought the basis of his oracular announcement—if he has faithfully discharged this also like the former labour, and like the former labour has skilfully concealed it—we must again suggest to him that, in totally omitting to state the grounds of a conviction that strikes at the very root of the Christian privileges of his fellow-countrymen, in thus denouncing and repudiating the fundamental principles of those who had the first claim on his respect and adherence, without showing that he had ever examined them, he has proved himself most unhappily ignorant of what mere delicacy and decency require from persons in the position which he occupies as a clergyman, and as a member of the University of Oxford.

* [The statement remains true in 1878. This able and remarkable, if not entirely unexceptionable, work, has since received a handsome tribute from Dr. Newman in his *Apologia pro Vitâ Suâ*; perhaps the most attractive among all the works of that great writer.—W. E. G., 1878.]

35. With respect to his representation of the practical shortcomings and wants of our Church, we gladly allow that Mr. Ward has, at least, attempted to examine and expose them in detail. A calm-minded and equitable writer might, we think, have performed a task of immense importance and value by a deliberate investigation of this subject. But Mr. Ward has unhappily imparted to his book, by the passages which have been quoted, and by many more which we forbear to quote, the character of a railing accusation. It is impossible not to see the mischievous operation of these circumstances. He is himself assailed with a storm of invective: and he will not enjoy that tranquil shelter from the bad passions he has roused, which he could justly have sought from the Divine mercy, if he had preserved his right to say that his anathemas and impeachments were wrung from him by a hard necessity, that they were limited by the measure of the occasions that called them forth, and that they had not been launched without earnest consideration of the proofs upon which they rested. But what is yet far worse is this: Mr. Ward will confirm and inflame the insular pride that he wishes to destroy. When men are attacked, and especially when their fathers and their institutions are attacked, in indecent and outrageous language, they will escape the substance of the charge in their just complaints of the manner: they will lose the profit of the rebuke, because the man that administered it, instead of winning by gentleness his way to their affection and respect, stirred by his own rashness the fumes of passion that are sure to rise, to envelop the very objects he sought to expose, and to intercept and bewilder our view of them.

36. Even, we regret to say, in his detailed examination of the conduct of the English Church, Mr. Ward

evinces the same thorough one-sidedness and obliquity of judgment, which alone could have blinded him to the indecencies we have already attempted to point out. The only mode in which we can, without running into enormous detail, make good this assertion is, by showing in one or two particular cases with how different a measure he metes out justice to the English and the Roman systems respectively.

37. For instance. One of his charges against his country and his country's church is gross neglect of the poor. And God forbid it should be denied that we have abundant cause for pain and for shame in that respect, when we compare our state and practice with the holy law of God. But Mr. Ward makes this particular one of the counts in the indictment which he brings against our own Church, and by which he degrades her from any claim to represent the genuine character of the body of our Lord, in order that he may proceed to assert that another church, the Church of Rome, is really and alone entitled to the praise of exhibiting that character. Now we are prepared to deny that the poor are worse cared for in this country, than in lands where the Church of Rome bears sway; and we think Mr. Ward himself would do well to visit some of those lands. Let him, in Naples for example, witness the hideous forms in which human misery is permitted to display itself beneath the face of day; and observe how the remains of the dead are hurled without coffin or clothing into vaulted pits, before he reiterates this accusation. Before he complains of the food, lodging, and clothing of the English labouring class, let him examine those of the corresponding class in other European countries. Nay, before he complains of the pressure they endure on account of the restlessness and recklessness of

the commercial spirit, an evil we do not dissemble nor extenuate, let him in common justice inquire whether that evil is confined to England, and whether it does not exist elsewhere, and rage, even in countries of the Roman obedience, with still greater malignity.

38. We pass to Mr. Ward's doctrine concerning factory labour. He cites on this head the sentiments expressed in a work,* not written, we are persuaded, with any wilful exaggeration, but still from its very nature couched in terms highly rhetorical, yet adopted by Mr. Ward, as if they were merely the language of dry and dispassionate description. From this work (p. 27) he shows, in extremely general terms, the mischiefs of factory labour. One definite statement, indeed, we perceive in his quotation, namely, that twelve hours a day are the minimum of labour for young persons. Now, if he had taken the trouble to refer to the Act before fastening his charge upon the Church, he would have found that twelve hours were the maximum, and for children four hours more than the maximum, at the time when the work was published. However, he proceeds to argue, all this is very bad, and it could not be so if we had a pure Church. Then the clergy would proclaim those sufferings in the ears of the civil ruler (p. 32). Then the pure Church would "with eager and urgent zeal have pleaded, clamoured, threatened" in behalf of the poor; would have inquired and ascertained what descriptions of employment were too severe for a Christian life; and would have issued stern prohibitions, enforced by spiritual censures, against any who should engage in them, as well as against the wealthy oppressor.

* 'The Perils of the Nation.' London, 1843.

39. Now it must be recollected that by a pure Church, Mr. Ward means throughout, not a church in a state of ideal excellence, representing the perfect image of our Redeemer, but the actual Church of Rome. Let us turn, then—for we are delighted at length to find Mr. Ward upon the *terra firma* of allegations of fact, which may be grappled with and put to the test—let us turn to the lands where his pure church "energises," and let us see how she manages the matter of factory labour. First, however, observe, that the test to which we shall resort is the length of that labour, for it will hardly be pretended that in regard to ventilation, to security, or to other accessories, the factory labour of England is more unhealthy than that of other countries. We invite, then, Mr. Ward to cross the Channel into Roman Catholic France, and to consult, not a book of popular declamation, but the Report made by M. Delambre, the head of the department of manufactures in the office of the Minister of Commerce, during the year 1838. Here he will find, that the actual work of children is never less than twelve hours, and extends from that minimum amount to fourteen; while it is also reported to be not unusual for them, in the chief centres of manufacture, to work all Saturday night and Sunday morning.* In England, at the same period, no child under thirteen could be employed for more than eight hours a day, nor any young person for more than twelve; on Saturday the hours of work were only nine; and, since that date, a new Act of Parliament has restrained, to six and a half hours a day, the maximum of labour for children.

40. But perhaps Mr. Ward will say that in France the

* Horner on the Employment of Children in Factories, p. 28.

pure Church is still in fetters. Let us pass on, then, to Austria: and quoting from the same authentic work to which we have already referred, we obtain the following result:—

"The hours of factory labour in Austria are usually long, being frequently, in the factories in the interior, fifteen hours a day exclusive of meal-time, and not unfrequently seventeen hours."—Horner, p. 105.

So that, in the country where there is no Jacobinism and no Protestantism, where the pure Church reigns alone, the factory labour is far worse than in France, as in France it is worse than in England. It happens, singularly enough, that semi-rationalising Prussia is the land in which has been fixed by law, for those who are commonly called young persons, the shortest term of labour, namely, ten hours up to the age of sixteen. But while it may be questioned whether even the letter of this law is, on the whole, more in favour of the young than the law of England, there is one characteristic of British factory legislation which casts the balance greatly in its favour, even as compared with that of Prussia. The common fault of such laws is that, in Mr. Burke's language, they want an executory principle; and this want has been met in England by the appointment of very able and humane men as inspectors of factories, without whom, we fear, mere paper legislation would not be of the least avail. In other countries, this security has not been taken.

41. England, then, we believe, stands in this matter above Prussia, but more above France, and most above Austria. Do we complain of the Roman Church for this? No; the spirit of Mammon is too strong for her, or for any

church on earth; but we complain of Mr. Ward, who, in his reckless crusade against the Church of his fatherland, heaps up a multitude of accusations so generalised as to defy scrutiny, and when incidentally he comes upon the groundwork of facts, can thus proceed in the most glaring contradiction to them.

42. In another place Mr. Ward intimates that, if we had a pure Church, it is probable that there would have been an ecclesiastical inquiry into the means by which we have acquired and by which we hold our Indian empire (p. 388); and the absence of power to institute such an inquiry, and to inculcate upon statesmen the obligation to be guided by its results, is another of the damning signs of the corruption and exhaustion of our Church. We do not stop to notice in detail the singularly aggressive views towards the State involved in this proposition; which seems, however, to be advanced by Mr. Ward almost as if its grounds were axiomatic. We doubt if the thirteenth century would have endured, or even if the author of *Unam Sanctam* would have propounded it. But, without resorting to hypothesis, let us again illustrate the determined onesidedness, and the unnatural partialities, under which Mr. Ward conducts his inquiry. He condemns the English Church because of tyranny, real or supposed, on the part of the English State towards the people of India. Of course, he has never heard either of the auspices under which Spain undertook her American conquests, or of the means by which she effected them.

43. But it may be better to recall to his attention a case which is modern as well as unambiguous. He has heard of African slavery and of the slave-trade. Let him recollect, and when he next writes let him for very shame

record, that his country, influenced, we must say, by its sentiments of religion, abolished that slave-trade in 1807, and extirpated slavery itself, at an immense pecuniary cost, in 1833; that no nation of Europe has yet followed the last example; that Great Britain has experienced the greatest obstacles in obtaining even the effectual recognition of the first; and that this accursed traffic is still pursued, with a desperate tenacity, by two nations, and only two. The homes yet open to the slave trader, where government and people alike combine to welcome him, are firstly, Brazil, where the pure Church of Mr. Ward yet sits enthroned; and, secondly, Cuba, where so absolute is her dominion, that not even for English residents is English worship tolerated. The Pope indeed, to his honour be it spoken, has condemned the slave-trade, but no more heed is paid to his anathema than to the passing wind; and as to the Church in Cuba, and the Church in Brazil, if they have raised their voices on behalf of the victims continually brought within their view, no echo of that sound has crossed the Atlantic. But it was singular enough that Mr. Ward, when he summoned his country and his Church before his judicial seat, should have entirely overlooked a series of transactions of which the fame has resounded through all quarters of the globe, which will long remain an indelible record of the high moral and philanthropic tone of Englishmen, and will go far with foreign countries, and with future generations, in the vindication of their character, even against the efforts of domestic detractors.

44. Again, Mr. Ward proves, to his own satisfaction, a total want of agreement between our Church government and that of Christian antiquity. And how? By showing that the Privy Council (in which the Archbishop himself

sits) orders the Archbishop of Canterbury to prepare thanksgivings for the births of princes, and to insert in the Liturgy the names of members of the royal family. To increase the force of his demonstration, he adds that the Queen, upon the petition of some Society governed by the archbishops and bishops, orders the said archbishops and bishops to require their clergy to make collections in their churches for the said Society! We cannot conceive how Mr. Ward contrived, nor how he chanced, if chance it were, to stumble upon three proofs (if such they must be called) so trivial and so irrelevant. But few words, we think, would show the reasonableness of these several kinds of injunction. Mr. Ward may indeed be a believer in the deposing power; and may think that the Church should have power, from week to week or day to day, to determine who is to be prayed for as the sovereign of the land. But we hold it most just that, so long as the Church is nationally established, the sovereign should, with the constitutional advice of the Privy Council, including the principal prelates *ex-officio*, be allowed to name those members of the royal family, who, on account of their proximity to the throne, are fit subjects for the special prayers of the faithful, or, in other words, who constitute the chief civil power of the realm.

45. But we pass from these paltry allegations to others which are more serious. He says that Bishops are by law compelled to institute to livings; they are appointed by the Crown; they cannot alter the Liturgy; nor ordain without subscription, and the taking of certain oaths; nor appoint to benefices, except in the character of patrons. He does not inform us how far different was their state, in the most important of these particulars,

before the Reformation. He does not tell us, and we doubt if he has inquired, how much more liberty the present Church enjoys in Austria and France. Has he inquired whether, in the latter country, any clergyman can open a school without the licence of the University, which is controlled by the Government, and not tied even to the profession of Christianity? Does he know that the civil power, both in Austria and in France, claims, and has an absolute and universal title, to step in between the prelates and their head the Pope; and that no papal brief, or bull, is valid without its assent? He has omitted to mention a privation of the English Church, more serious than any of the restraints that he has named: the inability to meet in Synod without the royal permission. Was it because he knew the ready retort that would be made by pointing out his pure Church in France and other countries of Christendom, placed in a similar predicament? *

46. But towards the latter part of his work Mr. Ward enumerates the healthful signs in the condition of the English Church. He endeavours to prove the legitimacy of his position within her pale by alleging that she possesses the internal notes of Christian virtue. "There is one of these," he says (p. 575), "among the best of her members, that is never to be found among heretics and schismatics: it is the virtue of humility." He continues thus:—

"Now observe the position which they more and more assume: observe the whole language of humility in reference to our own Church, and deep reverence for the great Christian body, which is

* See La Mennais' 'Affaires de Rome,' and a review of that work in the 'British Critic' for 1837 (vol. xxii. p. 261).

now becoming so common. Can there be a more signal contrast with the ground taken up by schismatics in various ages of the Church?"

47. We are not about to deny the possession of humility to the writers in the 'British Critic' or to Mr. Ward; but when we find one of a small section, who have very much isolated themselves, by some particular opinions, from the great body of the Church, citing the facility with which they censure that Church as a whole, by way of proving their progress in *humility*, we really are desirous to ask, is this bitter jest, or is it senseless earnest? We fear it is the latter: we could wish it were the former. For can words measure the infatuation of mind which this argument exhibits? Some Mirabeau among the aristocracy censures the vices of the nobles: a plebeian flatterer of the great denounces the turbulence of the people; and, according to the code of Mr. Ward, the humility of these worthies respectively is thereby demonstrated! According to ours, there is, among all the diversities of human affairs, no single situation in which pride and passion have a scope more free and perilous than when an individual of an order, placed in opposition to its prevailing temper, undertakes to delineate its faults. Mr. Ward may be perfectly able to prove his personal humility, notwithstanding his arbitrary and violent denunciations of his Church; but we protest against his being allowed, on his own behalf or on that of others, to prove it by them.

48. We are anxious to make it understood that we are far from professing to institute an examination of the whole work of Mr. Ward. It is a work that questions everything, and such a task would require hands more competent, and whole volumes of space. Neither, in

what has been said, have we attacked any class or party. We impeach the capacity of Mr. Ward individually as a public instructor, upon a question anterior to his particular sentiments; namely, the legitimacy of the whole process which he uses in their formation. His *organon* is bad: his rapidity and vehemence of censure, with a total independence of inquiry in some cases, and the most slovenly and slight inquiry in others, are so objectionable, that all classes and parties have a common interest in their exposure. Whether the Reformation were a blessing or not, whether the Church of England be incredibly corrupt to the very core or not, whether the Church of Rome be a pure and ideal Church or not, whether the priest of the Church of England be the proper person to announce these discoveries or not, it is important, even before all these things, that the principle should be maintained that those who judge without examining, in matters of high moral import, should be called to account; and that children — the demand seems not immoderate — should not strike a parent until they have heard her.

49. Neither are we of those who pretend to *optimise* upon the present condition of the Church, or who deny that there is infinite scope and space for her members to amend, not so much her as themselves, according to her true mind and type. And we fervently trust that all those, who have made themselves acquainted with Mr. Ward's numberless imputations on her, will remember that the faults of the accuser do not relieve the accused of their responsibility. They are bound to extract the honey of sound admonition from amidst the alien ingredients with which it is surrounded. It has been held, and, in our judgment, truly, that there is no censure, however rash, however careless, however violent, and

however, in the main, untrue, which may not yield advantage to the object of it, if he will welcome the invective as an instrument of spiritual assistance to him in the discovery of his faults. And indeed the living members of the Church have but slender excuse if they fail in this duty; for they are liberally favoured, throughout the world, at the expense of the Church itself. Not only are we bound to admit that this book is characterised, in a very pleasing manner, by the absence of personal unkindnesses, but the follies and sins of men are not charged upon them: they are transferred bodily to the Church, as if hers were the one and only power that moved the vast machine of English society. Let therefore full scope be given to all that Mr. Ward has truly said of our sins, our negligences, our ignorances; of the slight and perfunctory manner in which we discharge that great work of the government of the conscience; of our deadness to the denunciations of Scripture concerning the perils of wealth, and the difficulties it interposes in the way of salvation; of our insensibility to the Christian equality, or (should it not rather be said?) the Christian superiority of the poor; of our narrow and lethargic sense of Christian brotherhood. Let us combine with these repentance and humiliation for that sin which Mr. Ward has scarcely touched, but on which we think a reasonable reformer would have laid the very greatest stress—namely, our slowness to take advantage of those means of grace and discipline which the Church actually provides; our neglect where she invites; and even, alas! our disobedience where she commands.

50. Mr. Ward conscientiously believes and contends (p. 54) that true duty requires us not to foster the delusions of national pride, but to expel them; and that

though the exposure of defects may irritate our flesh and blood, yet it deserves our gratitude. In these positions he has our hearty assent. We rejoice that the time has come when, as a people and a Church, we are no longer to hug ourselves in fancied perfection. We acknowledge the vicious habit of this kind, in which we are nationally apt to indulge; but Mr. Ward's processes are no more than a vicious reaction from that vicious habit. It is, we think, a more excusable error for persons of this age and this Church, to resent an exposure of the faults of the Reformers, and a free scrutiny of the Reformation, than to deny to the Church what is generally considered to be the proof of her legitimate authority, with a contemptuous conciseness which overleaps and disdains inquiry; and, without the smallest examination, to pronounce a sentence, which scarcely any amount of examination could have warranted, against the Reformers, as men who had no vital consciousness of the truths on which they elected, and that in the midst of the fiery trial, to build their hopes of personal salvation. Nor could anything, as we think, but the strong delusion, which is the result of indulged bias and of untempered erratic intellect, have induced Mr. Ward not only to commit these errors, but to commit them in the very same volume wherein he has taught, in terms of flaming exaggeration, "the extreme sacredness of hereditary religion." The principles he has himself laid down will cause the strongest reaction against the licentiousness of his whole mode of teaching and of argument.

51. It becomes still more clear how Mr. Ward has succeeded in blindfolding his judicial faculties, when we compare with his mode of arriving at a judgment of the English Church, his very different mode of meeting

assaults upon the Church of Rome, or upon any of the particular practices she recommends or tolerates.

In one part of his work (p. 77) he considers the question whether the abuses of the English Church ought to be reformed upon the model of actual Rome, or according to that of more early and primitive times. The principle reason which he assigns—for we have nothing to do with others (p. 77), which he reserves—for fixing upon the former as a standard is, that the ancient system is one which cannot be reproduced or even realised by us (p. 78); whereas we may "study on the spot, if we will consent to follow a living example," what we "can by no possible efforts rescue from the abyss of time." Thus the nearness of the Roman system, not as to mere vicinage, but as to habits of thought, and "all the more essential features of our civilisation" (p. 78), and the consequent facility of learning and appreciating it, appear to Mr. Ward to constitute an "amply sufficient" (p. 77) ground for this determination.

But when the question is about what Dr. Hook has broadly termed the "Mariolatry" prevalent in the Roman Church, what becomes of all this nearness and facility? A singular change then suddenly passes over the spirit of the dream: and Mr. Ward then discovers "the incalculable obstacles in the way of a fair judgment, on people so unlike ourselves in every particular"!! (p. 82); and he declares, "on this subject I have really seen no evidence which enables me to have *so much as a bias one way or the other*" (p. 81).

52. Mr. Ward, it is fair to add, strongly deprecates the introduction of these devotions generally among ourselves: evidently, we think, as an economy, a condescension to the weakness and religious babyhood of the English people.

But on the system itself he has no evidence to supply so much as a bias. He who thinks that the proceedings of the English Bishops of the sixteenth century only find their parallel among the blasphemers of our Lord's divinity: he who pronounces that all the labours of all the sages of his Church in her defence are nothing worth: he who cannot even refrain from condemning the personal Christianity of such men as Ridley and Parker:—he has no evidence to form so much as a bias on the Virgin worship prevailing in the Roman Church. Alas! he has formed a bias that he knows not of.

53. We are not about to travel into the painful details of this subject. Those who are moved to seek information upon them may with great advantage consult the solid and useful volumes of Mr. Tyler.* We know that this prayer has gone up unrebuked: *Jure matris impera filio.* We know what process was applied to those songs of the Divine Spirit which were put into the mouth of Holy David to be the perpetual treasury of the church's praise, and the vehicle of her solemn communion with her Lord: that for the name of the incomprehensible Jehovah was substituted throughout the name of the Blessed Mary; and that these devotions, so parodied, are proposed for the use of Christians. We know that there is a Bible in which it is declared, under the most awful sanctions, that God will not endure that his honour shall be given to another. But Mr. Ward has no evidence to "enable him to have so much as a bias one way or the other." This is the caution, of which we said it was not less singular, not less idiosyncratic, not less distorted and deformed,

* 'On the Invocation of Saints,' London, 1842. And, 'On the Romish Worship of the Virgin,' London, 1844.

than his precipitancy. This is the caution which forces us to say, that to speak of having no bias is a mockery. Mr. Ward supplies us with the warrant for the assertion. For in another part of his work (p. 425) where he compares the corruptions of religion in Germany with those in England, his frightful climax is no less than this:—

"English 'high-churchmen' are in the constant habit of attributing to the most holy and mortified men, to St. Buonaventure, to St. Bernardine of Sienna, to St. Alphonsus Liguori, a close approach at least to positive idolatry: *what more fearful approximation to blasphemy against the Holy Ghost has the wildest German ever devised?*"

54. We, for our parts, sedulously avoid a question which is far beyond us; and, admitting and revering the high Christian virtues which were found in association with those awful acts, we refuse to ask or to consider whether the author of the Marian Psalter and the Marian *Te Deum* incurred, in whole or in part, as a Christian soul standing before God's tribunal, the guilt of idolatry: but when the act is separated from the person, and we are told that the denunciation of the act, with the utmost plain speaking, as in its nature an act of idolatry, is a near approximation to the unpardonable sin, then we say the very first principle of Theism is called in question, and we are actually called upon to give up our Christian position, and had better at once travel back three thousand years, and begin again from the one truth, which we shall at least in the Patriarchal Church find in its integrity and its undisputed majesty —the Unity of God.

55. It is useless, and worse than useless, to tell us of the gradations of feeling in the minds of those who in-

vented these devotions: to theorise upon the possibility of their having applied the very highest known strain of the language of devotion to the creature, and yet, by some further projection of thought, maintained for themselves the relative position of the Creator. These are arguments which it seems to us would, if they tell against the denunciations of Dr. Hook, go with as much force to show that the condemnations of idolatry in Scripture had much better have been omitted from the sacred volume. Very just it might be to urge them, if it were proposed to deal out to St. Buonaventure the measure which Mr. Ward has dealt to the Reformers: but they are mischievously perverted, as well as irrelevantly obtruded, when they are used to prevent free censure, by competent and responsible persons, of those practices which in the exercise of their responsibility they deem obnoxious.

56. What then is the position of the churchmen of England as Mr. Ward would place them? Suppose they acknowledge in the Roman Church great gifts and merits. Suppose they see that she has preserved a polity more compact and better organised than that under which they were born: that certain doctrines denied by some among themselves and with seeming impunity, are firmly and immovably established, not only as with us, in the hearts of the reflective and informed, but even in the current public opinion (so to speak) of the Roman communion. Suppose, further, that they expatiate freely on these and on other gifts: waiting and looking if perchance they may thereby arouse their own brethren to a godly jealousy.

Mr. Ward would have not only all this, but likewise much more than this; and he would manifestly insist that, at the very least, this should be done without quali-

fication or counterpoise. Because the corruptions and faults of the English Church, which we see, are so great: and because the corruptions of the Roman Church, if any, are not under our view.

57. As between man and man this is the very dictate of pure Christianity. We are to dwell upon our own sins: we are not to presume the existence of virtues in ourselves, and at all events, without a morbid and elaborate self-depreciation, the introspective eye is to glance lightly over them: but we are to dwell upon the virtues of others: we are to touch gently, or, if no positive duty calls, we are wholly to let alone their defects.

But great force lies in that condition,—if no positive duty calls. Suppose a father perceives that his daughter's affections are rapidly fastening themselves upon one whom, notwithstanding many apparent or even real excellences, he yet knows to be tainted with such vices as to render him an unfit and dangerous guide through life, it will be his duty to warn her against the attraction; to expose with an increasing force and plainness, in proportion as the seductive power may become more formidable, the faults of character; and if she retort upon him, that in his house she does not find the extended sympathy she needs, that his temper is phlegmatic and his acquirements limited, it is his duty even so far to extol himself in respect of his guardianship over her as to make her feel her security, and comparative blessedness, in the house where God has placed her. Nor is he, acting sedulously and conscientiously within these limits, to be reproached either with want of charity, or with surfeit of pride. He may feel the dangers to his personal humility of the duty he is undertaking: but he is bound to persevere, and to believe that, like all dangers which really belong and

attach to duty, they will be neutralised and averted in its discharge.

58. Now, how stands the Church of England with regard to this subject? She is brought into close practical conflict with the Church of Rome: assailed along the whole line of her battlements by a motley crew, amongst whose parti-coloured devices the ensigns of the Papacy occupy a conspicuous place. The allegiance of her children is solicited by every public and by every private effort: is she not to watch for the souls placed under her care? Is she not to tell them of the perils which they will incur by going astray? Is she to allow their minds to fester and corrode by morbid contemplation of the evils they see around them, to suffer them to grow ripe for defection in their ignorance of evils heavier but more remote, and is she not to make use of her longer sight, and her hoarded experience, to warn them against partial judgments, and against the rosy fruit which turns to ashes in the mouth?

59. No, nothing of the sort, says a voice from within the camp, the voice of Mr. Ward:—

"We cannot possibly desire the prosperity, or lament the adversity, of a religious community which prominently upholds corrupt and superstitious practices: the difficulty is, how can we reconcile it to ourselves to attribute so serious blame to societies which we acknowledge as Christian churches."—P. 121.

Was there ever a writer, of whom it might be said with so much precision as of Mr. Ward, that while he brought the bane, he brought also, in the exhibition of his own glaring inconsistencies, the antidote? He cannot desire the prosperity of a religious community which prominently upholds corruption: yet he tells us over and over again

that the Church of England has been unfortunately committed, and that for three hundred years (p. 72), to a system of the most incredible corruption; that she has totally neglected the rich and the poor alike, morality and doctrine alike, and that by her authoritative teaching she sets herself against the holiest practices of the Christian life (p. 76): and yet he also tells us over and over again that he is thoroughly loyal to the Church, cannot abide half-hearted allegiance, thinks it his duty to make her the one great sphere and centre of his energies (p. 54), and finds everything throw him back on the course of action which natural affection would of itself suggest, "the making our own Church the one great centre of thought" (p. 93). He fixes his affections upon her, and only on the rest of the Church through her (p. 68), which at least implies desiring her prosperity.

60. And again he complains, in the passage we are examining, of the imputation of so serious blame to societies which we acknowledge as Christian Churches, and he thinks it wonderful men can act so much in contradiction with themselves. He at least has no cause for wonder. At the very worst, they are simply following his example, and at a respectful distance. He has imputed certainly the most serious blame to the religious society to which he belongs; an abyss of corruption, evils "fearful, imminent, destructive of the very life and essence of a Church" (p. 72), corruption to the very core, so that "the generally received form of religion among us is another Gospel, which is not another, for it is no Gospel at all" (p. 61). And yet he not only owns her as a Church in name, but (as we have already seen) directly declares her spiritual powers and character; as being to us "the visible embodiment and channel of our Lord's presence" (p. 68); "be-

cause through it we were born again, and because through its ordinances we obtain communion with Christ" (p.102); and because, unlike Dissenting communions, "our Church is a channel of Sacramental grace" (*ibid.*).

61. [Again, Mr. Ward is scarcely less harsh towards the nation than the Church. He inveighs with a severity, in some respects it may be just, against the intrusion of the sentiment of nationality into our religion. But while we join in deploring the degree to which nationality has, or once had, become with us an element of religion, we think it is but reasonable that Mr. Ward should have some patience with his fellow-countrymen on that score. And although he has quoted an admirable passage (p. 90) from "a friend," upon the distinctions of national character, we do not think that he either understands or has been at pains to understand their history, or their character, in their bearing upon his subject. Whatever be the precepts of Christianity with regard to individual submissiveness, there are none which render it a duty to undervalue national independence.

62. But setting aside for a moment the question of religious truth, it is not a little remarkable how often those periods of the history of England in which it has had the closest relations with the papal See have been periods of disgrace, and how often those in which it has retrenched and repudiated the enormous claims advanced by that See from time to time, have been marked by brilliant reputation and by high prosperity.

63. Let us take for example the time of John, where we find the papal grant of the Crown connected with feebleness abroad and oppression at home; and the time of the third Edward, when very strong measures for the restraint of the papal prerogatives were contemporaneous

with unexampled military renown, and with the enactment of laws highly favourable to the liberties and to the general advancement of the people. A contrast not less remarkable is presented by the reigns of Mary and Elizabeth in their relation to national glory. With regard to the latter, it is hardly requisite to particularise. As respects the former, we take the following illustrations:— In the reign of Mary, says Mr. Hallam, we find mention of the use of torture more frequent "than in all former ages of our history put together."* She imposed a tax on foreign cloth without the consent of Parliament; "an encroachment," declares the same historian, "unprecedented since the reign of Richard II."† Notwithstanding the obstinate resistance of her Council, she forced the country into a war with France. The consequence was, that we lost Calais, after a possession of two hundred years: a place which, according to Hume, "was regarded as the most important possession of the Crown."‡

64. The last occasion on which we have seen the throne in alliance with Romanism was during the latter part of the reign of Charles II., and during the brief and ill-omened sway of his brother James. But this also was the period when, *inauditum nefas!* the sovereigns of England were the pensioners, and, of course, the tools of France. Nor was this occasional and accidental, upon particular postures of affairs. It was systematic. The ambassador of France was (so to speak) the first minister of England; and when Charles had been seized with the illness which put a period to his unhappy life, Barillon, upon learning that it had assumed a fatal character,

* Hallam's Const. Hist. vol. i. p. 57. † *Ibid.*
‡ Hume, vol. iv. p. 437 (Ed. 1793).

repaired immediately to Whitehall, and was met by the Duke of York on his arrival with this speech: "*Les médecins croient que le Roi est en un extrême danger: je vous prie d'assurer votre maître qu'il aura toujours en moi un serviteur fidèle et reconnoissant.*"* It is totally impossible that some account should not be taken of these things, that they should not leave deep impressions upon the mind of a high-spirited people.

65. No doubt it will be said, and said truly, that these circumstances do not determine the ecclesiastical question whether the different churches of Christendom should or should not be bound in one communion. Certainly not; but they show that which Mr. Ward appears to have entirely overlooked, that the insular element, imported into our religious notions, is not historically ascribable to an over-cunning reliance upon our own judgments in religion as distinguished from those of others; but that a jealousy of the See of Rome, caused by its experienced influence upon our social and political position, has by a necessary, if unfortunate association, formed an ingredient, and with the mass of men a potent ingredient, in the mixed feeling which presents an aspect so hostile to the Papal See. And let it not for a moment be supposed that these statements are now prescribed as a solution of the case: if they were so, we should be chargeable with that neglect, that apparently contemptuous neglect, of history, which we impute to Mr. Ward; we present them as one portion of a large and complex whole; and we again complain of the summary processes by which, in obedience to internal impulse, our forefathers and their rulers in Church and State are condemned without the slightest

* Appendix to P. I. of Sir J. Dalrymple's Memoirs, p. 91.

presumption vouchsafed to the public that the judge who pronounces the sentence has heard the evidence.]

66. As to the character of England and her institutions, Mr. Ward has recklessly overlooked some of their most striking features, which ought to have exercised very important influences on his judgment. His charges against the Church turn, in a remarkable degree, upon the want of methodised teaching and of systematic discipline. He was never struck by the fact that a nation, which is by universal confession one of the most powerful and distinguished in the world, is nevertheless in civil and social, as well as religious matters of practice, one of the least systematic; that it trusts more to personal character, and less to external law. Let us take for examples three most important departments; those of law, education, and commerce.

67. The laws of England are renowned throughout the world for securing to the subject the greatest degree of liberty in combination with public order; but the scientific eye perceives the want of codification, and the pedant would pronounce other nations far more advanced in their civilisation, because their system of jurisprudence, collected and arranged, presents a show of good government, which no one would antecedently presume could be realised out of our chaos of equity, canon law, common law, statute law, and judge law.

68. So with respect to education. In this country it is, technically speaking, much less advanced than in others. As far as the upper or governing class is concerned, it appears almost to be picked up at random. The range of regular instruction in our public schools and universities at once suggests the reflection against itself, that it is extremely narrow. And yet notwith-

standing, the result is, that the Englishman as such exhibits perhaps greater vigour of practical understanding than the native of any other country, whether as soldier, sailor, merchant, farmer, artisan, or in any other capacity; while it is still more notorious that the members of the English aristocracy are as a body (not what they ought to be, yet) the most distinguished in the world for energy of personal character.

69. In commerce this is yet more conspicuously true, because England is confessedly, and beyond all comparison, the first commercial country in the world. Yet nowhere is commercial success so much the result of personal industry and enterprise, nowhere does it depend so little upon law, and upon such stimulants or such controul as it may be in the power of the executive, or of municipalities, or other public bodies, to administer. Look to France, and to other Continental countries; compare the amount of efforts made by their governments with those of ours, the infinitely elaborate contrivances which they have devised in order to commercial success, the *Conseils de prud'hommes*, the schools, the associations innumerable, the regulations infinite; and then take the fact that, according to a return which has recently been published, the mercantile marine of England exceeds by six times that of France, and nearly equals that of all the rest of Europe. So that we appear to gain by haphazard what others obtain, sometimes less effectually obtain, by system; or rather, we seem to have indications of some general law, indicating that the English nation, as a nation, have a strength of individual character among them, which enables them to do for themselves by free choice, energy, and judgment, much that in other countries, except for the interference of public authority, would not be done at all.

70. Mr. Ward may rely upon it that these observations, which might be greatly extended, have their force with reference also to our ecclesiastical system. We do not give them as an answer to all complaints, nor say that we may dispense with Church laws, or pastoral government, or spiritual direction, any more than with laws, government, and direction in the state. In truth, there is one great instrument of government which, however, it may be estimated by Mr. Ward, is here more freely and fully used than in any of the countries on which he has fastened his sympathies; we mean the Holy Scriptures; a source of death to the sceptical and the disputatious, but a repository of the purest and most abundant food to those who resort to them in singleness of heart. We do not entertain a doubt that there prevails among us, to a very great extent, the use of Scripture by individuals of all classes for the government of life and conscience, guarded only by prayer and the insensible controul of the teaching of the Church. Undoubtedly this is, to a great extent, government self-administered, but government self-administered, and yet true, in all its departments is one of the most remarkable characteristics of Englishmen; and a man might as reasonably conceive that the amount of disorder in England and France respectively would vary inversely with the numbers of their respective standing armies, militia, and police, as conclude that the human conscience was doing its work in each of these two countries just in proportion to the number of books of devotion, and the detail of spiritual exercises, which are in use among the clergy and the people.

71. Mr. Ward ought to recollect before he draws us to those awful conclusions which he has propounded concerning, not the inadequate fulfilment, but the total

abandonment by the Church of all the principal purposes of the institution, that we must take our stand upon results, and use them not as a reason against efforts to learn more adequately the strength which is derived from system, and to abate our besetting sin of pride, but as a test and a confutation of his overcharged and morbid judgments. When we have learned from him that the social ties are gone, that care for morality is gone, that care for dogma is gone, and that "indifference to the central verity of the Gospel," the divinity of our Lord, "is prevalent among us to a fearful extent" (p. 405), —for even to this height of discovery has Mr. Ward ascended,—we shall naturally ask, is it then true that this country is so much more corrupt and profligate than the rest of Christendom? Is the personal conscience less active and acute than elsewhere, the sense of responsibility less lively? Is that venerable symbol OUGHT, and the sentiment it indicates, less powerful, less operative upon human action, here than elsewhere? Are the great elementary principles of duty less understood, or less familiar, or less dear? The task is odious, but Mr. Ward drives us to it; and we ask, Are we the teachers of France and Italy in the sins of the flesh, or are they ours? And which way flows the tide of unbelief? Are the sense of truth and justice, respects for the rights of others, the sacredness of the marriage tie, the majesty of the oath, honesty and integrity in dealing, and care for the poor—are not these still among us as the household gods of the people?

72. Not, indeed, as they should be; not in proportion to our light and our responsibility; not in proportion to our knowledge of the Word of God, and our access to His ordinances in His Church; but so and in such a sense

that Mr. Ward should have weighed them well before he determined to allege the degradation of the people as proving the diseases and pollutions, and the all but utter apostasy, of the Church of England. National sins we have enough; but nowhere, it is our firm belief, are the foundations of Christian morality more securely laid in the elementary perceptions of the people than in this island of the free, the true, and the brave. Nor is it in the presence of Mr. Ward, and in a review of his work, that we will dilate upon those sins. The proper occasion to denounce the sins of England and her institutions is before those who are intoxicated with an overweening idea of their virtues. But if it be true that upon the whole the conscience of man, hard and dead though it be among us, is not more hard or dead than elsewhere, Mr. Ward must be aware that the imposing array of methodical discipline that the armoury of the Roman Church supplies, whatever it be in itself, is utterly worthless for the aggressive purpose to which he has turned it.

73. The strength of Mr. Ward's case for the Church of Rome is placed by him in her Saints, and saintly men. These, according to him, are the luminaries from whence truth radiates through the world: and they are the special and almost exclusive possession of the Roman Church. Yet, singularly enough, Mr. Ward declares (p. 89) that of two orthodox Churches there is no reason why the one, which is purer, should be more prolific of Saints than the less pure. However this may be, we cannot admit that the institution, which produces the most brilliant specimens, is necessarily the most faithful to its general trust; any more than the age which produces the greatest men is necessarily the period of the greatest happiness for the people. It may be true that

much remains to be done among us in the way of provision for treading the path of Christian perfection, and for the diversified wants of those deeper souls, whose more than common need calls for more than common appliances. But we doubt whether Mr. Ward has considered how many truly saintly characters are reared among us by the Divine Grace in the shade of poverty, and upon the bed of affliction, that never attain to notoriety.

74. At all events, before we give such exclusive scope to the admiration of the virtues of saints in the Roman Church as to deny the prerogatives of our own spiritual mother, we must examine very fearful questions on the right hand and on the left; namely, whether the practical system of Rome places, to no small extent, the Blessed Virgin and the saints in the stead of the adorable Trinity, and whether her scheme of pardons and of purgatory tampers with the very first principles of duty, and of moral choice, in the minds of the mass of Christians. No doubt the breadth of her dogmatic confession is bold and imposing; but what reflections does it suggest as to the ultimate tendency of her apparent rigour, when we look back to that scandal which was revealed by the celebrated decree of Zurich;* again, when we find Mr. Blanco White (whom we take simply as a competent witness to matter of fact) declaring of his own knowledge that the greater

* Father Paul's 'Hist. of Council of Trent,' B. 1. "Che ogni prete fosse tenuto ad aver la concubina propria, acciò non insidiasse la pudicizia delle donne oneste" (p. 18, ed. 1629). The same author cites a document presented by German Theologians of the Roman Communion to the Emperor, in which it is declared that "di cinquanta sacerdoti Cattolici appena se ne trova uno, che non sia notorio fornicario" (B. viii. p. 841, ed. 1629).

part of the clergy of Seville, where he himself resided as a student and as a priest, were *Deists;* and when the organ of the Roman party in this country* has too much reason to believe that his statement was by no means destitute of foundation!

75. We have undertaken at such length the painful task of impeaching, from the internal evidence of his book, Mr. Ward's competency, in his present frame of mind, to argue and to judge upon the very solemn matters which he has handled, that we cannot think of entering upon the discussion of the numerous propositions he has advanced upon their own merits; and we have endeavoured to supersede such controversy on this occasion by showing, that there can be no satisfactory discussion of these or any other like subjects with a writer, whose whole mode of operating is so vitally unsound.

Still there is one of his assumptions against which we must enter a passing protest. It is this. He alleges that Anglican divines justify the English Reformation "on the single principle" (p. 117) that a local Church is at liberty to repudiate the doctrine propounded with one voice by the Catholic Church for acceptance. And this—it is but another example of his deep and impenetrable delusions—this he quietly and unsuspiciously declares "will not be denied!" In conformity with his assertion he declares again that the Church of England remains separate from all the remaining Catholic body (p. 117) on the ground of the very grave and serious doctrinal errors which she imputes to it, and which it maintains as truths necessary to salvation.

76. Now we would ask Mr. Ward to state—

* *Dublin Review*, vol. xiii. p. 343.

(1). What are the doctrines denied by the Church of England, and enforced by the rest of the Catholic body as truths necessary to salvation?

(2). How he proves that the Church of England refuses communion at all to either the Oriental or the Roman Churches?

(3). Where he has learned that Anglican divines, from Cranmer downwards, defend our Reformation, either exclusively or even in any manner, by alleging that a local Church is at liberty to decline following the regular judgment of the Church Universal upon matters which are of faith?

(4). How he can show that a local Church is not free to follow her own course in matters indifferent?

(5). In what manner he would have acted in the great controversy of *Athanasius contra mundum:* upon what arguments he can justify the resistance of the Catholic minority to the prevailing Arianism; or how he could have replied to those who, alleging the authority of the Synod of Ariminum against the Homoousion, should have pointed also to certain passages of Holy Scripture and should have declared that the Church had "developed" out of those passages the doctrine of the exclusive Divinity of the Father?

To this last question he has given us an answer: it is, alas! that not of the Christian divine, but of the dreamer and the fanatic; personal experience (p. 574) is the ground on which he founds and justifies the resistance of the orthodox; a test alike available for Athanasius, for Arius, for Luther, for Münzer, for Fox, for Swedenborg, for Joanna Southcote, and even for the notorious Joe and Hiram Smith.

77. (III.) We have spoken already of Mr. Ward's *organon*

as a bad one; and it may seem incumbent upon us, after the foregoing review, to endeavour to connect so many phenomena of error by reference to a common principle. We appear to ourselves to perceive this *desideratum* in a certain new philosophy of which in this work he appears as the inventor, and which is first announced under the title of "the absolute supremacy of conscience in moral and religious questions," and afterwards with a slight variation of terms, "in the pursuit of moral and religious truth" (p. 44).

No doubt conscience is supreme in all matters of moral conduct, including the search for truth; so that even the statement is a truism. But this does not exclude argument and the legitimate use of the understanding upon questions of conduct; and it is no sufficient answer to reasoning drawn from Scripture, reason, or authority, on a question of conduct, to say "my conscience teaches me so, and there is an end of it." We must submit to have matters of conscience handled by reasoning or by authority, and though we are to protest against sentences of the understanding on matters beyond its province, as, for example, upon absolute dogma, yet even there we must not decline to allow the examination of secondary proofs. Conscience may be the ultimate judge of argument, but this affords no plea for declining to hear it; and to admit such a plea is not to honour conscience, but to allow fancy, humour, obstinate licentious will, and Satanic temptations, to enthrone themselves in its place. The subject is not less extended than deeply interesting: but Mr. Ward has narrowed it to a certain degree by pointing the discussion chiefly towards a single question, namely, the course to be taken with respect to the claims of conflicting religious communions upon our allegiance.

78. His general canon we understand to be this: act honestly, freely, unsuspiciously, upon your own actual convictions, such as you have received them, casting away all doubt; do not desert them until they desert you, until they break down under you and force you to seize hold upon other helps: act thus, exercising at the same time all moral habits which are recognised by your creed, and you will reach the truth at last. Do not examine doctrine itself, nor the external proofs of it; nor yet examine the authority of the teacher of doctrine; but *feel* doctrine, apply it to your affections, and according to the sense of sympathy or revulsion which results from time to time, adopt or refuse it. Upon this ground he will not have men join the Roman communion until they feel that they have an "unmistakable"(p. 570) call from God to it; neither will he allow that Dissenters ought to be summoned to come into the Church. We can know the system in which we live; of another "we can really know nothing" (p. 510); the former must not then be quitted for the latter without some singularly plain and indubitable reason. This he presently explains into the position that we are to remain with the body which has trained us "as long as we are able to repose unchanged confidence in it" (p. 510).

79. Mr. Ward is, we think, aware that he is attempting to overturn the methods which the Church has ever sanctioned and pursued in seeking the conversion of heretics or of heathens. Let him turn to the early development of those methods in the writings of St. Augustine against the Donatists; and, for example, in the treatise 'De Utilitate Credendi.' Its author firmly impressed the principle "*non prius ratione quam fide te esse docendum:*" or, as elsewhere, that we must believe in order to know, and not know in

order to believe. Yet he fully admitted that of these positions themselves proof was justly to be demanded: and those proofs he supplied by showing the validity of the Church's credentials, a matter fully cognisable by the human understanding, but not requisite to be investigated by each for himself, more than it is requisite for every British subject to have heard the Queen's assent given to the laws, in order to be bound as a reasonable being to yield them obedience.

But Mr. Ward,—strangely bitten, as it seems to us, with the spirit of the age, and owing far more of his mental culture to Mr. John Stuart Mill than to the whole range of Christian divines, with the exception of Mr. Newman—(the print of whose footsteps he in this part of his course follows and deforms)—Mr. Ward repudiates this world-old philosophy; and in its stead he launches upon the great deep of human controversy as frail a bark as ever carried sail.

80. Far be it from us to deny that obedience is one principal means of attaining to truth. "He that wills to do His will shall know of the doctrine whether it be of God." But the promises, which belong to each instrument when all are duly used, cannot be claimed in favour of one among them when it is made exclusive. Nor is it for obedience to the truth that Mr. Ward claims privilege. The true doctrine is, we conceive, "Act upon Christian principle, and you will come to believe *it*: act upon what is true in itself, and it will come to be also apparent or true to you." But for this our author substitutes, "Act upon what you believe, and you will come to Christian principle: act upon what is true to you, or apparent, and you will come to what is true in itself." There cannot be a clearer opposition.

81. Again, Mr. Ward teaches that holy men are the fountains of truth, and this he denominates a canon of unspeakable importance (p. 517). How radically does he differ from St. Paul!—"Though an angel from heaven preach any other gospel unto you, let him be accursed" (Gal. i. 8). Doubtless the conscience is, in its office and capability, the highest of all our faculties; but in the very same proportion the pretence of conscience is dangerous; and the question arises, When you have invested the conscience of the individual with a moral right to judge the creed of the Church, what security have you that the function shall be discharged by that power to which you have assigned it, acting within the limits of its own proper inward sphere?

82. The peculiar difficulty attaching to this function of conscience appears to be the want of a criterion. Each person is his own witness and his own judge, and his judgment is essentially of that supreme kind that does not assign reasons; for, if reasons be assigned, this step lodges at once an appeal to the understanding, which, in the eyes of Mr. Ward, is the very highest misdemeanour. And here an important difference at once presents itself to view. If you admit that the understanding may legitimately be employed, in its due relation to other faculties of our nature, about the consideration of Divine revelation, you so far lead each man to use a process, his use of which will be cognisable by every other man; so that, if he err in the use of it, there will be certain acknowledged means of detecting and exposing the error. Pride and passion may pervert his reasonings; but these intruders may be traced along the chain up to its commencement, and so the perversion may be laid at the door of pride and passion. Or the original principle, on which the whole depends,

may lie beyond the reach of the understanding; but even then the understanding will be of great use in detaching from it what is extraneous, and in substantiating by collateral evidence its claims on our belief. But to say, the individual conscience is the criterion of truth, is not only to set up the principle of private judgment, but to surround it with new and impregnable outworks, and to establish it in such an absolutism as it has probably never before entered into the heart of a Christian writer to devise, because this theory not only permits and authorises, but certainly encourages, and perhaps compels, each person to disclaim all reference to the judgment of others, to refuse the helps which an erring creature derives from the scrutiny of others for the correction of his errors, to shroud from examination his inward persuasions, and to find in the fact of their existence the charter of their legitimacy. Indeed Mr. Ward in one place calls his principle that "of doing what we think right because we think so" (p. 508).

83. It is obvious, indeed, to say, that the theory supposes each man to be humble, earnest, self-denying, and full of prayer; and that according to it holiness, not the pretence of holiness, is the only ground of belief that can acquit a man of his responsibility before God for believing right. But still we are met by the most serious difficulties. Men, who are not holy, will believe themselves in many cases to be holy; and men, who are holy, will in many cases believe themselves to be not holy. The first proves that the theory will not work in certain instances; the second seems to go further, and to indicate a radical fault in it, for it appears to teach that our belief in the mystery of the Incarnation, for example, is to depend upon our having already realised that truth by the corre-

lative process to it appointed for us, and having become, in the language of St. Peter, partakers of the Divine nature. But when it is considered how long, and arduous, and doubtful is very frequently the struggle between sin and grace in the mind of the Christian—what stages of conflict, nay, frequently what reverses, are to be passed through, before the soul is finally established in the consistent practice even of an elementary righteousness—is it not perilous to hold out to mankind, as the true theory of religious faith, that they are only entitled to believe in proportion as they have realised, while of course they can only be said to have realised what they have carried into something of the nature of consistent and permanent practice?

84. If no other faculty except a spiritual intuition is to support our creed, what is to become of us in those moments of existence when the dark clouds of some mortal sin blot out the whole heaven from view, or when faintness and languor of spirits, and mental perplexity, open a door to the temptations of scepticism? For Mr. Ward may rely upon it that, whether or not he will allow belief to appeal to the understanding, unbelief will appeal to it. Now he has charged it upon those against whom he argues, that in their view belief ought to be proportioned to evidence (p. 486). Has he himself fallen into a snare less deep when he contends that belief is to be proportioned to holiness? Has he less exalted a half-truth into a whole one? Has he less cured error by error, and abashed one extravagance by presenting to it another? For according to him, or rather according to his arguments, that belief, which to meet the diversity of our needs should cast its anchors deep in every faculty of our nature, must depend only upon one; upon that one

which, though capable of becoming sovereign in fact as it is already sovereign in right, yet is nevertheless actually too often among the weakest; so that we may not bring in the rational mind to help the infirmities of the spiritual one, and, unless at any and every moment we can embrace revelation by the pure force of holy sentiment, any aid to be derived from our mere convictions is illegitimate, and we must fall.

85. But again, each man is to regard his conscience as the criterion of religious truth. Now if to this were to be added that his conscience must be rightly informed, the principle might not be an unsafe one. But then it is obvious that such a qualification opens a door to the entrance of the understanding upon the discussion of the subject-matter of belief, which it is Mr. Ward's purpose to prevent. Without such a qualification, this theory is, as we must again assert, only a more subtle and a more dangerous enunciation of the principle of sheer private judgment. Even as a murderer for religion—say, for instance, an assassin of Cardinal Beatoun or of Archbishop Sharp—is more difficult to bring to repentance than any other murderer, so a heretic who has reached his heresy through Mr. Ward's system will be more hopeless than any other heretic, because he has done evil under the notion of good; and the very faculty which ought to have assisted him to detect his iniquity is become its cloak. Every case under that theory would become that of the Quaker called upon to pay church-rates. He is doing wrong, and he is more obstinate than any other person in doing that wrong; and why?—because he has been told he must make the immediate impression of his own conscience the sole criterion of duty; and that immediate impression is against his paying the rate. The

act in his mind may be pure or impure, but great is the responsibility of those who furnish such a plea.

86. If we attempt to examine the form which such a theory would practically assume, we may present such a sketch as follows. It would with great rapidity become generally operative; and not only upon those whose conscience has been exercised by a sense of sin, because all men have a will, and all men who think will, with few exceptions, which may be put out of the account, consider themselves to have a conscience entitled to act under the system of Mr. Ward. Where there has been no awakening process of religion in the mind, the operation will be just the same as if for conscience we read understanding, because the worldly mind makes to itself a kind of conscience in following the dictates of the worldly sense, and calls this "doing what it thinks right."

87. This is no very brilliant result; but yet more of substantive and appropriate evil would follow in the case of the awakened mind; for the mass even of conscientious Christians, it will be admitted, have but little of the gift of spiritual wisdom, which appertains rather to them that are perfect (1 Cor. ii. 6); to a very advanced stage of sanctity. It may readily be understood that where this wisdom, in the sense of St. Paul, exists, there the conscience is not only the main support of belief in the individual mind, but likewise an authority in its degree even to others. But of the generality, even of religious men, little more can be said than that their will is set upon the whole towards the observance of the laws of God: and there are ten thousand degrees of acuteness and comprehensiveness in their vision—of intensity and fervour in their desire. Are each of these men to apply spiritual truths to their own internal state, and to make that state

their touchstone? If not, Mr. Ward has said and done nothing; but if so, is it not plain that the souls of men will be more and more buffeted and bewildered by Satan, because they will employ the crudest spiritual faculties for the decision of the highest spiritual questions? and this, humanly speaking, without a chance of retrieving the error, inasmuch as they will *do it* under the impression that they are pursuing the appointed mode for the attainment of religious truth.

88. Bossuet pressed the Lutheran theory * hard with the reproach that it makes repentance the essential pre-requisite of pardon, and personal assurance the necessary concomitant of pardon, while it yet admits that there cannot usually be a personal assurance of repentance; thus building certainty upon doubt. Does not Mr. Ward commit an analogous and equally fatal fault, if he says belief is to be tested by conscience? Because belief can only with propriety be termed such when it is certain: but such a purity and expansion of the spiritual nature, as alone can render it a safe test of religious tenets, is not only not certain, but is exquisitely rare, and, in the individual case, almost infinitely improbable; and, therefore, the faith which ought to be, and except under peculiar temptations is, as a rock even to the immature Christian, must be built, according to the scheme of Mr. Ward, upon a quicksand.

89. Mr. Wordsworth, indeed, has told us—

> "But, above all, the victory is most sure
> For him who, seeking faith by virtue, strives
> To yield entire submission to the law
> Of conscience." †

* 'Variations,' B. i. chaps. 9–18.

† 'Excursion,' B. iv.

We, however, discover here no supplanting of the function of faith by that of practice—no recognition, in the novel sense now under view, of the supremacy of the private conscience; but on the contrary, an assumption of the homage of obedience as such to belief as such, and the very highest exercise of faith conveyed by obedience as a medium. And for this reason; that the seeking dogmatic faith through virtue is a process founded upon moral faith, upon the firmest belief—first, in the divine constitution of human nature, which God has ordained to be built up by habits, and not by impulses; secondly and chiefly, in the character of God himself, as of a God who will lead in safety and aright those that when their eyes are too weak to discern spiritual objects nevertheless trust themselves in blindness to the guidance of His hand. They know that in so doing they are expressly refusing to bring down His lofty truth to the standard of their inward meanness, and resting rather on that conviction of His goodness which, whatever Mr. Ward may say, is a result reached by the combined and harmonious operation of our rational, moral, and spiritual faculties.

90. In point of fact, we have never seen the subjective theory—the doctrine that truth is what a man troweth—presented in a more formidable manner than in the volume of Mr. Ward, and this especially because it is couched in terms that conceal its hideousness, not only from those who lightly peruse them, but, as we believe, also from him who has too lightly employed them; for we are persuaded that no man would anathematize that theory more readily or more sincerely than Mr. Ward.

91. Perhaps the best apology for his principle is that he has clogged it with an impossible condition. For he appears to promise guidance into truth by the tact of the

conscience, only where the person fulfils the moral law upon a scale far beyond the strength of a person in such a state. For instance, he supposes the case of one tempted to question the authority of Scripture (pp. 538, 539). For such an one he prescribes (by way of regimen) two years of "retirement and prayer and meditation." And he lays it down that an individual declining this sort of advice, and proceeding with his free inquiry, "must give up all claim to be considered a real seeker for truth." This appears to us like the device of a theorist, who anticipates the failure of his scheme, and prepares for himself a refuge accordingly. Ordinary persons, who by the supposition are not in possession of full religious privilege, are as incapable of ascending to these heights of obedience, as of examining in detail the historical and external evidences of Christianity. The plan, too, appears to us as applicable in principle to heathens invited into the Christian pale, as to Christians of a sect invited to come into the Church. But how are such persons to be assured that they have so fulfilled the conditions of the moral law as to be sure of the right guidance of their consciences? Nay, is not Mr. Ward unconditionally open to the objection that he is requiring people to make bricks without straw, and to perform an obedience in order to obtain grace, which they never can perform until they have obtained it?

92. Not that we for a moment doubt, that the spiritual nature of man ultimately becomes a living proof of the doctrines it has received: when the Spirit beareth witness with our spirit (Rom. viii. 16) that we are the children of God. But surely the internal evidence comes in the main after the reception of the truth; and to make the duty of receiving it inwardly dependent on the judgment formed of it beforehand, is in plain language to

refer the taking of the medicine to the palate of the patient.

93. Mr. Ward announces that he himself acts upon the theory he recommends, and the result is indeed a startling one. He has not a doubt that if Theism be true, "St. Mary is the highest and purest of all creatures" (p. 501). The dignity of that Virgin, whom all generations have called Blessed, is immovably founded upon the rock of Holy Scripture. But to place his particular and somewhat bold definition of it upon precisely the same footing of certainty as the being of God, and to announce to the world that there is no God unless the Blessed Mary be the first among created beings, appears to us a course much more calculated to undermine faith altogether, and bring it into mockery, than to make converts to the philosophy propounded by Mr. Ward.

94. IV. We have lastly to offer some suggestions touching upon those very grave questions of ecclesiastical allegiance, which the work of Mr. Ward has brought into general and keen discussion.

We shall not, however, attempt to solve the problems which may attach to his own individual case: in the first place, because it is not our function to pronounce upon the special obligations which belong to him as a clergyman and a member of the University of Oxford, especially when it is known that the academical question, at all events, is to be made the subject of judicial consideration: and secondly, for the very plain reason that, though Mr. Ward has spent six hundred closely printed pages in the elucidation of his position, we are not able clearly to comprehend it; and we even doubt whether he has defined it to himself. Various passages indeed, which we have quoted,

might appear to set the question at rest, and to show that Mr. Ward fully recognised the authority of the Church of England, although he disliked many of her injunctions, and her practical system as a whole: and, therefore, that remaining within her pale was a matter of plain and clear duty, without alternative, until the Church should forfeit the character which he had acknowledged her to bear. But then we find him laying down, in the clearest terms, that the rival communion of the Papal Church in England is *not schismatical* (p. 131): and that any person in communion with the Church of England, who finds the invitations of the Church of Rome powerfully to awaken his spiritual affections and his conscience, may join her forthwith, *as a heathen would join the Church* (p. 571).

95. It passes our skill to find method and harmony in such representations; and we think Mr. Ward has need to explain these his explanations if he intends them to be intelligible to ordinary minds. Here therefore we part company with him; and in parting we must assure him that if we have written freely we have also written seriously; with deep pain, and we trust without any gratuitous assumption of judicial authority. Readers more dispassionate than either of us will judge between us. If we are accurate in our view of his methods of proceeding, what has occurred may, as we hope, be a warning useful to him in his future course; however incomplete, and however faulty, has been the execution of the task. If, on the contrary, his temper has been one of becoming caution and humility—if a sound philosophy has governed his views of men and things—if his investigations have not been slighter, if his sentences have not been heavier, than the case demanded of him—the censures we have pronounced will return upon ourselves, and

it will involve us in a double guilt to have committed the very faults which we have used so much freedom in reproving.

96. But though we quit at this place the general discussion of Mr. Ward's book, we cannot put out of our view the disturbing effects which it is calculated to produce in various quarters: partly by whetting the appetite of men on all sides for violent measures—partly, as experience shows reason to augur, by giving a shock, especially among the young and uninformed, to the religious profession and belief of the ordinary members of the Church. With a view to the mitigation of this latter evil, we are prepared to contend that even those who may be influenced more or less by the sympathies which Mr. Ward has avowed for Romish opinions, and by his antipathy to the proceedings taken at the Reformation, are in no degree thereby released from their obligation to continue in the communion of the Church. If their private judgment prefers the religious system of the Church of Rome to their own, and even holds the union of the English Church with Rome to be necessary to her perfection as a Church, yet, so long as they cannot deny that she is their spiritual parent and guide ordained of God, they owe to her not merely adhesion, but allegiance.

97. And while pressing upon them that their conscientious obligations cannot be weakened by dislikes, nor even by any convictions which leave untouched her essential character and prerogatives, we must also maintain the correlative proposition against those who urge them by upbraiding to defection,* or who call, as is the

* Such is the apparent meaning of the Bishop of Ossory in his 'Charge' (p. 210), and also of a passage in Archdeacon S. Wilberforce's very interesting 'History of the American Church' (p. 401): we say

wont of the more vulgar belligerents in the cause, for their summary expulsion both from offices held under special conditions (a subject which we leave *wholly* untouched), and *also* from the Church itself. The doctrine that such persons ought to quit the pale of the Church, in our view both drives them upon sin, and likewise constitutes an unwarrantable invasion of the liberty which the Church herself has intended for them: and we hold it a duty to resist every effort of individuals to draw the bonds of communion tighter than they have been drawn by full ecclesiastical authority among us.

98. It is not necessary to enter in this place upon the question, what is or is not consistent with Subscription to the Articles. For, in the first place, that is a matter for the cognisance of constituted tribunals. "The law is open, and there are deputies: let them implead one another."* The subject is too grave, especially under present circumstances, to be considered except in full detail; and as it is out of our power so to deal with it, we hold it an absolute duty to refrain alike from pronouncing and from insinuating an opinion upon it, in the hope that it will be reserved entire for its proper judges.

99. In the second place, it is quite sufficient for our present space to discuss the case of ordinary membership, against which most of the prevailing clamour for expulsion, and most of the exhortations to voluntary secession, appear to be directed. The Articles do not stand among the conditions of simple communion in the Church of

the apparent meaning, because we greatly doubt whether, particularly, in the latter case, so much was intended. On the other hand, Mr. Bricknell, in his pamphlet entitled 'Oxford Tract: No. 90,' distinctly holds that Romish opinions in general ought not to drive members of the Church from her communion (note, p. 10).

* Acts xix. 38.

England. It was the abominable tyranny of the promulgators of the Solemn League and Covenant, which designed to make the reception of that instrument a preliminary to the reception of our young people universally to the altar of the Lord. A gentler and a wiser spirit has, in the Church of England, limited the demand upon ordinary Christians for dogmatic assent to the Creeds of the early undivided Church, which they are called upon regularly to recite, and perhaps even among these especially, as may be collected from the structure of our offices—first to the Creed of the Apostles, and, secondly, to that of Nice. Who then has a right to pronounce of his own mere motion against persons that can adopt these primitive creeds and can discharge the part appointed by the ritual system for ordinary members of the Christian flock, that they have no title to continue in the Church?

100. We know from history that Bishop Godfrey Goodman of Gloucester lived and died in the exercise of his high office,* although it was his belief that the Roman Church was the mother of all Churches, and that it was only by essential objective oneness with her in faith that any society could really be a Christian Church. He was not on this account absolved from the restraints incidental to his station. Archbishop Laud required, and ultimately compelled, him to subscribe the Canons of 1640. But he neither sought to leave the Church, nor was any effort made to drive him out of it. Bishop Montague, again, professed sentiments upon several points of doctrine much more Roman than Anglican. That they were approved by the authorities of the Church we do not say: that they were tolerated stands undeniably upon record. But

* See his Life by Archdeacon Newcome, 1825.

if even Bishops (whose case is totally distinct from that of simple communion) were not driven, either by lawful sentence or by general opinion, to the fearful extremity of secession, and if two hundred years have since elapsed, every one of them adding to the latitude and the guarantees of private freedom, how can the very serious limitation of it that is now recommended be maintained?

101. We cannot consider, but with the deepest grief and pain, the fact that within the Church of England, a portion of the flock, however limited, should be desirous to import the existing system of Romanism, and to reconstitute the ecclesiastical laws and institutions under which we actually live according to that model. The existence of such a desire in any quarter is most deplorable. But a very different question from this is raised when it is contended that members of the English Church, having an inclination of that kind, however lamentable, ought, as a matter of religious consistency, and of personal good faith, to quit the Anglican for the Papal Communion. Such a doctrine in our view cannot be supported without the aid of an egregious confusion of ideas, which we shall attempt to unravel.

It is founded then, as appears to us, upon the notion that by the Reformation some essential change passed upon the being of the Church: we do not see how any proposition less broad than this can afford a foundation at all adequate to the superstructure which is placed upon it in the reasoning to which we refer.

Surely one who loves the essence, and considers it a matter of positive obligation to adhere to it, continues under that obligation until the essence itself is vitally affected.

102. What if the Reformation bears the same, or some-

what the same, relation to the Church—we now speak only of extent of change, not of its propriety and justice —as the Reform Act to the British constitution?

Even those who disapproved of that Act might also disapprove of any attempt to procure its repeal. It may be just to contemplate such a scheme as so ruinous, that no man desiring the repeal of the Reform Act can be so good and sound a citizen as he would be if he discharged himself of that desire. So that in respect of such desire his mind is estranged from that which is so deeply seated in the constitution as to make its reversal infinitely dangerous. In this particular, such a mind may be regarded as diseased. But, at the same time, who would say that a man was necessarily a bad and disloyal subject because he desired the repeal of the Reform Act, though he might indeed be called an unwise or even an insane politician? The British Constitution has an essence anterior to and independent of the Reform Bill, which only modified its development. They, who love the Constitution in that essence, are not aliens from it, though they hate the Reform Bill and the effects of that Bill, as embodied even in the more permanent parts of the Constitution. And it may still be true that they would be better citizens if they recognised and embraced what the Reform Bill has effected, because the love of the essence will be less comprehensive and effective where the form of the development is in great part unacceptable, than where that also is approved or at the least accepted.

103. Our argument is not for those who conceive that the existing Church was founded by the Reformers in the sixteenth century. But for those who hold that she dates from the time of the Apostles—that is to say, for her divines, clergy, and instructed members generally—the

conclusion here drawn appears to be one necessarily following from premises in themselves undeniable. For in this view the Reformation, however deep it went, did not, by hypothesis, touch the life: rather it aimed at affording it freer breath and action. Whether, then, the Reformation were a good or an evil, or if of a mixed nature, which element preponderated, is immaterial, not in itself, but in the great question of allegiance and adhesion among all those who hold the continuous identity of the Church. For their homage is to the vitality of the Church, not to the forms and fashions which compatibly with that vitality she assumes. And there is surely no ground for those who say A B is an enemy to the Reformation; but the Church is a reformed Church, therefore he ought to quit it. Of course, if he has come under specific covenants by Subscription or otherwise, they impose upon him corresponding duties. But we now contemplate his part simply as a member of the Church. In that sense the argument is grossly fallacious. He may disapprove of and repudiate those particulars of the institution, and yet acknowledge it as a whole. But, at all events, in point of obligation, it is clear that his bonds are in no degree intrinsically weakened, though they may have begun to gall him. If they gall him he may fret, and fretting may try to escape; there will be a natural tendency to produce this result under such circumstances. His position, therefore, is one of peril; but we speak of what a man in given relations ought to do, not of what human weakness may be tempted and led to do.

104. Undoubtedly, it would be a valid objection to the foregoing argument, if it could be shown that the Church herself had made attachment to the Reformation a condi-

tion of membership. But when has she done so? She has not done it at all. She has, where she deemed it necessary, defended by assertion particular truths, and repudiated by protest particular errors; but her members surely remain free in conscience as to everything beyond, and are nowhere tied up by her to a general approbation of the changes of the sixteenth century.* Is this a charge against her? Surely it is the highest praise of her moderation and wisdom, that she should have avoided the sin of straitening the terms of communion by mixing the accidents with the essence, and forbidding access to the latter unless upon condition of the simultaneous acceptance of the former. Is it not, on the contrary, true, that in this very particular she stands most advantageously contra-distinguished from the See of Rome, which has sealed with the seal of authority, under the title of faith, matters indifferent or false, and by thus suddenly enlarging her demands upon human assent, has in proportion multiplied the risks of rebellion and utter unbelief?

105. So that if we look to the *nature* of the Church we find—

(1). That it imposes upon us the duty of abiding in her.

(2). That this duty remains in force so long as no vital change shall pass upon the essence.

If we look to the *declarations* of the Church, there is nothing that binds any of her members on the subject of the Reformation beyond any specific and definite obligations which may have been incurred by subscription.

But if there were a liberty or obligation to quit her communion upon contracting a temper of hostility to the Reformation, it could only have been established by

* See the 'Charge of the Bishop of St. David's' (1842), p. 70.

reference either to the nature and essential laws or to the documents and positive laws of the Church herself. Neither of these supply any such ground of action; therefore there is no such obligation and no such liberty.

106. It appears to us, in solemn seriousness, that for those who are admonished to separate from that which they revere as the body of Christ, the answer is that once used by St. Peter: "Lord, to whom shall we go? Thou hast the words of eternal life" (St. John vi. 68). Here is the fountain of covenanted blessings. In the Lord's house, and not in the fulfilment of our private wills and the gratification of our preferences, is the secret of spiritual strength and the hope of growth in sanctity. We no more seek in religion to choose according to coincidence with our own personal inclinations, in the innumerable particulars of Christian doctrine, discipline, and ceremonial, than we seek to choose, from among the crowd of parents, a father or a mother for ourselves. If we believe, truly or untruly, that some one else has a wiser father and a fonder mother, we do not therefore quit our own; but we stand and ask for blessings from God in the very spot where God has appointed us to be: "Whereunto we have already attained, let us walk by the same rule, let us mind the same thing;" and, "If in any thing we be otherwise minded, God will reveal even this unto us" (Phil. iii. 15, 16).

107. Far be it from us to deny that the persons who use this language may be very fit subjects for instruction and persuasion; but for admonishing them to secede, and much less for expelling them, we do not know so much as the shadow of a justification. It is easy to understand, indeed, how those who look upon Churches as voluntary aggregations of individuals according to private choice,

may adopt such language; but we are dealing with the case of those who hold that such a doctrine is a flat denial of an article of the Apostolic and Nicene Creeds; who really, and not in figure, regard the Church as their spiritual mother, and themselves as subjected to her authority. When they are called upon to quit her bosom because of their private mislikings, it is obvious to reply, an appeal is strong when it is addressed to men from the vantage ground of principles which they acknowledge; but it is weak, nay, it is even ridiculous, when it summons them to act upon principles they abhor.

108. We must also contend that the passage of individuals into the Roman communion should be regarded as the greatest public calamity by all those who are anxious for the prevalence of truly sound and Catholic sentiments within the Church herself, in regard to her constitution and office; and for the plain reason that such transitions of individuals (we neither wish to affix to them the generally sacred name of conversions, nor to wound the feelings of others by terming them perversions) are powerful obstructions to the progress of Catholic doctrine, concerning the Church, among the mass of her uninformed or prejudiced members. Every one added to their number is a fresh obstruction to the harmonious acceptance, in our communion, of those doctrines, which show the natural relationship of all branches of the Catholic Church. Every one of them is a fresh act of aggression and defiance on the part of Rome, and sharpens the animosity that embitters and exasperates our differences. As yet, the series has been both short and intermittent; but any considerable increase of their weight, or even their number, would doubtless excite much alarm and revulsion in the general mind of the Church; and if it did not give

rise to violent efforts for modifying her laws and offices, in an opposite sense, yet would reduce, at least for a time, to languor and debility all those forces within her which tend to give a vigorous development to the principles of her constitution. There are two historical illustrations which may serve at once to explain and to vindicate this view of their effect.

109. Every one is aware that, at the period of the Restoration, the laws of uniformity within the Church of England were made more stringent than they had previously been. At the time when they came under discussion, the appetite of the puritanical party had been so much stimulated by the period of legal domination they had enjoyed, and their demands for relaxation were so much raised in consequence, that, on the one hand, the Bishops found no encouragement to concede to them, and, on the other, they were prepared, in a great degree, to act upon the principle of separation, and to establish one or more rival organisations in the country. There were consequently withdrawn from the Church, according to the accounts of the seceding party, so many as two thousand ministers; and the effect of this movement was not only the diminution, but very nearly the entire extinction, of the puritanical party in the Church. Individuals inclining more or less to those sentiments, such as Bishop Reynolds, remained within her pale; and a new party, described by Burnet as the latitudinarian party of divines, speedily sprung up, which, according to him, included Bishop Wilkins, Dr. H. More, Dr. Cudworth, and others; and which received a powerful impulse, at the era of the Revolution, in the advancement of Dr. Tillotson to the primacy. But this party was widely separated from the schools of puritanism. Nor did any of

these revive in the Church of England until the first movement of the Methodists in Oxford, which presented some of their features, though at the outset not those which are most important and most ominous of evil. Their proper revival dates from the somewhat later period of Toplady and Berridge.

110. Thus, therefore, the result of the secession of St. Bartholomew's day, 1662, was so to exhaust within the Church the whole power of the principle which it represented, that it made no new manifestation of life in a similar form for a hundred years; and even so, speaking in our own sense, we presume to say it is, that every member of the Church of England who so permits himself to be exasperated or grieved by the wrongs which he conceives to be done to great ecclesiastical or moral principles among her members, or to be bewildered by the pain of isolation and the yearning for visible communion with Christendom, as to catch in agony at the hand which Rome holds out to the proselyte, is contributing his own weight, whatever it may be, towards the formation of an aggregate which, if it were to swell to a certain magnitude, would, by having drawn off all the kindred elements, leave the Church of England, as a Christian institution, in the hands of the puritanical portion of her members and of the nation. He is helping on a state of things in which she must immediately submit her offices to expurgation, and her orders to compromise not less fatal than abandonment; in which she would commence an unchecked descent along the inclined plane of latitudinarianism, and yet would retain the vantage ground of nationality, the countenance of the loftiest throne and the noblest laws in the world, and enough of the traditions and symbols of her ancient history, not indeed then any

longer to make good her own titles, but to baffle and intercept, in a great degree, the exposure of their defects.

111. The next illustration is that which is afforded by the course of opinion and practice in the Roman Church, with respect to the papal power, since the Councils of Constance and Basle; and especially at the era, when the Council of Trent closed its memorable sittings. In the striking introduction with which Father Paul opens his history, he observes that that Council, in its issue, disappointed alike the hopes and the fears with which it had been contemplated beforehand. Among other illustrations, he says it was "*dalli Vescovi sperato per racquistar l'autorità Episcopale, passato in gran parte nel solo Pontefice Romano; e l' ha fatta loro perdere tutta intieramente, riducendoli a maggior servitù.*"* It would be wearisome to endeavour to follow, in its detail, the course of feeling and discussion, throughout the whole continuance of the Council, upon those two capital points:—First, whether the initiative was properly reserved to the Court of Rome, and on the celebrated phrase *proponentibus Legatis;* secondly, whether Bishops were bound to residence, *jure divino*, for which the prelates of Spain in particular contended as essentially involving an episcopal jurisdiction not derived from the Pope. It is enough to point out that the proceedings of the Council went as far as anything less than an avowed reversal could go, to contradict the doctrine established at Constance, of the subjection of the See of Rome to the great representative assembly of the Church.

112. The presidency by proxy, the reservation of the initiative, the reference by the Council of its decrees to

* 'Historia del Concilio Tridentino,' B. i. Introd.

the See of Rome for confirmation, without any provision for the contingency of refusal, the large and unrestricted terms in which it saved the Papal authority, seemed to give it the character of a Council of the Pope, which tenders to him its official advice, not of a Council of the Church, which establishes the laws necessary for its government. And it is very remarkable, that while the hope of recovering the Protestants mainly contributed to induce the sovereigns of Germany and France to require that the Council should be summoned, it was the loss of any such hope, on account of the determinate forms which religious division had assumed in the latter years of that assembly, which led those potentates to concur with the papal party in accelerating its conclusion, and to forego any longer urging claims for reformation, of which the principal purpose had by that time been placed beyond their reach.

113. Now let us suppose for a moment that communion had not been previously broken; that not only the followers of Luther and Zuinglius, but men of every shade of thought and sentiment between them and the papal party, had met together at Trent; the result of the deliberations of the Council would then, we apprehend, have been one much more favourable to the union of Christendom. But the Protestants had gone out; the schism had been recognised, and practically established, by the Peace of religion. So in England the Puritans had virtually separated before 1660; and the same course is pursued formally by the modern fugitives to the Roman communion. The consequence was, in each of the two first cases, that they strengthened the hands of their opponents; and Trent was to Constance what the English Convocation of 1660 was to the English Convocation of

1562. Must not the issue in the third and in every analogous case be the same?

114. We advance this argument as one which may justly operate with power on those who are endeavouring to estimate defections to the Roman communion by a test of religious expediency, or who, without any such leanings in their own minds, have accustomed to think too lightly of the mischiefs they produce in the form of blind reaction. But of course it is not with the idea that it can weigh with persons who hold it matter of duty to precipitate such defections, either in the sense of ridding the English communion of a taint, or in the sense of placing souls now astray within the bosom of the Church. Such we apprehend to be the view which gives to the Romish priesthood in England their activity in the search for proselytes.

115. This reflection draws us back for a moment to Mr. Ward, who reads to them and their whole community a lesson upon their manner of proceeding in this respect, informs them that they are entirely and fatally wrong in their mode of conducting the work of conversion, and acquaints them that, instead of exhorting men to hear the voice of the Church, and to place themselves within the sphere of the covenanted influences of grace, they should adopt his philosophy and bid men work vigorously upon their existing systems, and then do as their consciences shall prompt them. Mr. Ward will have but little success in that direction. He cannot even think he will have much. *Sic notus Ulysses?* His instructions to the Pope, however, upon the proper method of fishing for men (for such he must be aware that they are, though he confines his apostrophe to the Roman Catholics of England) (p. 288), are conveyed with his usual confidence and complacency. He acquaints them with his "utter dissent

and bitter sorrow" (p. 289), chastises smartly their "baleful endeavours to unsettle and disturb" (p. 289), and their "proud and carnal philosophy" (p. 290); and yet, with a violence of inconsistency which baffles all description, he at the same time acknowledges their superiority in faith and sanctity, and declares, too, that faith and sanctity are the only sources of knowledge in matters of religion, and the only guarantees for wise conduct. It is strange, it is scarcely to be believed, but there it is written, and the incredulous may convince themselves by perusal: the priest of the English Church, proclaiming her miserable, fallen, and prostrate state, pitch-forks into the world a new philosophy, and, out of the abyss of incredible corruption, gives his orders to a Church exalted, as he thinks, to the seventh heaven of purity, to reverse the whole process by which she performs one of her elementary and principal duties, the office of conversion!

116. Returning, however, to our position, we have to observe, that the foregoing remarks have reference to that argument for the secession of persons holding certain opinions, which has been submitted as an argument for their decision. Upon the very much more arduous question, whether members of the Church should be expelled from her pale by authority for Romish opinions, we shall only tender a few remarks of general expediency. We do not whisper an objection to enforcing in their substantial meaning, according to history and authority, and with the provident securities of law, those subscriptions which are required from clergymen, or from the members of universities. Nothing, in our judgment, could be so fatal and so hopeless as a state of things in which the *bona fides* of subscription should be destroyed, and that sarcasm of Gibbon verified which represented the English priesthood

as signing with the smile of contemptuous incredulity, or with the sigh of struggling but worsted conscience. But, on the other hand, we earnestly protest against the efforts of private persons to erect their own interpretations into standards of obligatory belief: against the clamorous use of these arbitrary systems as weapons of extrusion, and, in a word, against mobbing men out of the Church: against all attempts to anticipate the judgment of authority, or to goad it into action. These are days in which the subject must defend the ruler, as well as the ruler the subject. Therefore we presume to say, let us have no intimidation; but leave to those in power space and calm for reflection, for forethought, for counting the cost. Many questions will certainly require to be entertained and to be disposed of, before these new doctrines of ejectment are carried into execution.

117. For example, Is the remedy worse than the disease? Can the constitution of the patient bear to lose the tainted member? When the operation is over, will the symptoms reappear in other quarters, and will other limbs in succession require to be lopped off? Will the wound that is to be opened ever close, and will it drain away by degrees the vital power, and reduce the trunk to exhaustion, the forerunner of speedy dissolution? Then again, if expulsion, or if any severities beyond the fair enforcement of established restraints, are to be employed against those who offend in proneness to Roman practices and opinions, what will be the effect of such a policy upon that liberty or licence of opinion which has been so largely exercised within the Church in a contrary direction? The sword of discipline is double-edged: and there can be no claim for its exercise more forcible than that of such fundamental principles of our ecclesiastical constitu-

tion, as authority, and succession, and sacramental grace. If all tranquil forecasting of results is to be rendered impossible by pressure and vociferation from without; if the extravagances of the private spirit are to sway the poles of the judicial movements of the Church; if law is to have force in one direction, and to be powerless in every other; if its action is to be strained in an age that will but just bear its most lenient administration; if undefined and constructive heterodoxies are to swell its penal code; from the very day of the commencement of such a course of events will the Church of England have entered upon a new chapter of her history. Its phase, in our view, is lurid and gloomy, and charged with the signs of the hurricane, that makes desolate the habitations of mankind.

118. By a mysterious and providential order, the organisation of the Church of England has in some sort combined together for three hundred years the individuality which constitutes the soul of Protestantism, as it is viewed apart from the essence of the Church, and the ancient and immortal principles of changeless objective truth, as the dogmatic basis of Christianity, and of the Divine mission of the Church, as the appointed instrument of its activity in the world. Daily experience would contradict the pretence either that this combination has been one of perfect harmony or that it has been maintained at all times without a loss of motion, power, and vigour; because a portion of the forces, that might otherwise have been extrinsically applied, have been spent in securing the mutual cohesion of the members of the body. Hence to conscientious, we do not say to well-judging, men, the Church of England has often appeared to great disadvantage, as compared either with the communities, within which individuality exults in its freedom from the correc-

tion of authority, or with that great community, in which authority has well-nigh absorbed and swallowed up individuality. But yet the practical judgment of this nation, the common sense for which it stands conspicuous in the world, has ceaselessly worked upon the conviction that it is the union of these elements in religion, which to her

> "forms with artful strife
> The strength and harmony of life." *

119. And so it has singularly happened that the English Church, tame in her external character, weak in her disciplinary observances and laws, and affording in her practical system but too little scope to enthusiasm, has nevertheless maintained throughout all vicissitudes her hold upon the allegiance of the most stirring and energetic nation in the world. She has stood the test of adversity better than of prosperity. She rose in unexampled power from the prostration of the great rebellion. She has recently gained strength from year to year, notwithstanding the double impediment of angry discussion within,† and of bold and combined assaults from without; and has even

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* Gray's fragment on the Pleasure arising from Vicissitude.

† We may refer to two recent and remarkable testimonies to the growing strength of the Church from two very opposite sources: the one the late 'Charge' of the amiable and devout Bishop of Chester, who is known to regard with the greatest apprehension the progress of those opinions with which Mr. Ward has identified himself, but who declares in his late 'Charge' that he considers her prospects more favourable than at any former period of his episcopal career (p. 9); the other the *Westminster Review*, a publication utterly hostile to the Church as a whole, but which, nevertheless, admits (No. 82, Sept. 1844, p. 163) the constant and rapid increase during late years of her social strength. To these we should add the cheering declaration of his Grace the Archbishop of Canterbury, in his very important and truly paternal 'Charge' (p. 6).

proved the main political instrument in checking that revolutionary movement which in our sister country, France, is scarcely curbed by the fortification of the metropolis against its own inhabitants, and by a standing army of five hundred thousand men. How high and solemn is the destiny of the rulers of a Church like this! how far-reaching the results that wait upon their actions!

120. But while we thankfully acknowledge the continual advancement of the Church in everything that is most essential to her permanence and power, it would be vain to dissemble that she is not yet beyond the risk of being disorganised by the imprudence and intolerance of misjudging friends. She labours under the disadvantage of a weak executive to a degree such as only time and great sagacity, under God's grace, can cure, and such as might give to rash experiments, that would be simply inconvenient in less sensitive or more thoroughly compacted bodies, a formidable, nay, a fatal issue.

121. Upon the whole, using the privilege of free discussion in the absence of any authoritative judgment of the Church (to which we should be, we trust, not slack to yield obedience), we arrive at the conclusion that, in conjunction with a just administration of the law, a liberal and an indulgent policy both towards those who fail to appreciate the Catholicism of the English Church and to those who are impatient of its Protestantism, may be anticipated from the discretion of our rulers and from the spirit of the times, so long as each confine their several claims for freedom of action and of speculation to matters which she has not absolutely foreclosed. Nay even more: even that honest error, when it does not go to the seat of life, will be assailed rather from the teacher's chair than from the seat of judgment, and that truth will be sought

rather by expansion than repression, though each doubtless has its proper place.

122. The Church of England has to deal with the people of England; and in adapting her modes of procedure to the national character, she will know how to give to civil analogies their value. Looking to this nation as a political society, she will find that it combines an unbounded freedom of private opinion upon social theories, with an unparalleled respect for law, a strong sentiment of national unity, and a vigour not less singular in the whole machine of government: and if, in the effort to realise more fully the same combination in the sphere of ecclesiastical affairs, she be too often met with a self-willed and an ill-informed resistance, will she not recollect that in the period of lethargy, now happily passed away, vicious precedents became a system—system presented the face of law—law made its appeal to those conservative elements, which constitute so large a portion of its strength—and thus, through our own misconduct, the proper guarantees for the stability of truth became the bulwarks of corruption? Is it not obvious that, in the wide range of things indifferent, such considerations should often exercise a governing influence on conduct? Is there not every conceivable encouragement to such a policy, and to the hope that the God of Zion* will send peace within her borders, at a time when He is so manifestly building up her waste places, making fast the bars of her gates, filling her with the flour of wheat, and blessing her children within her?

[During that third part of a century, which has passed since the appearance of this Essay, the history of the Reformation-age in

* Ps. cxlvii. 12–14.

England has been not only elucidated, but almost reconstructed; and I am sensible of the aspect of poverty, which the remarks made on the English Reformation must now bear. At the same time, while apologising for their meagre character, I do not offer any other apology. Many characters have suffered from the freer play of light around them; but their reputation for religious sincerity has perhaps endured the ordeal better than their personal and moral standard generally.—W. E. G., 1878.]

III.

REMARKS ON

THE ROYAL SUPREMACY;

AS IT IS DEFINED BY REASON, HISTORY, AND THE CONSTITUTION.

A LETTER TO THE LORD BISHOP OF LONDON (BLOMFIELD).

1850.

PREFACE TO THE THIRD EDITION (1877).

In the year 1850, after the delivery of the well-known judgment of the Privy Council in the case of Mr. Gorham, I published in a letter to a most eminent prelate, Bishop Blomfield, an argument relating to the Royal Supremacy, viewed in the light of Reason, History, and the Constitution. The publication was intended to show, that what may be called the Reformation-settlement of this great subject was not oppressive or irrational. It was intended also to show that the legislation, then recent, which had substituted a new machinery of appeal for the old one, was an injurious, and even dangerous, departure from the Reformation-settlement.

Within the quarter of a century which has since elapsed, numerous and varied constitutional changes in

the Church have occurred. The Convocations of Canterbury and York, needlessly and illiberally silenced for so long a time, have, since the epoch of Lord Aberdeen's Government, had freedom of speech restored to them; and, notwithstanding their imperfections, have not only served as an organ of speech to the Church at large, but have also borne an useful part in assisting parliamentary legislation. The Court of Appeal has been partially altered; and such alteration as has been made appears to be in the nature of a secondary improvement. The Court of Arches has likewise been altered in a peculiar manner, and a novel system of law has been introduced by the Public Worship Act of 1874, but only with reference to the enforcement by a special process of rules for exterior worship, not to the doctrine or general discipline of the Church. Suits recently and now in progress under this Act have seriously stirred the mind both of the public and of the clergy, and have been deemed by many to impart a sensible shock to the existing relations between the Church and the State.

It is under these circumstances that I have been requested by many, who take an interest in the matters at issue, to republish my original argument on the Royal Supremacy, which soon went out of print. This request had already been made, and acceded to, in the year 1865, when I was Chancellor of the Exchequer in the Government of Lord Palmerston. Having then agreed to it, I could find less warrant for declining it now. But I had not then, nor have I at present, leisure to study afresh the particulars of the argument. All I can say is, that I have seen no reason to recede from its general purport. There were, however, portions of the original work which had reference to the circumstances of 1850, and to the

comparatively helpless condition of a body possessed of no constitutional organ of utterance. These were abridged or removed in 1865, and the present edition is a reprint from the edition of that year; with only a single substantial addition, of a brief note in relation to a well-known statement of Bishop Gibson (see Par. 159).

I must, however, confess that an opinion, at which I had not arrived in 1850, has been long ago impressed upon me by the augmented experience, which we have since acquired.

It is, and has for very many years been, my belief that the multitude of penal proceedings,* which began with the movement at Oxford against Dr. Hampden in 1835, and which have in so singular a degree marked the history of the last forty years, have done much more of harm, than of good. The sentences obtained do not compare favourably with the workings of our civil judicature, as to the general respect and confidence they have won. These proceedings displace or enervate moral forces, and yet cannot perform their work. They disturb the minds of men, and often set them speculating on the chances of the future. They tend to precipitate changes, which it were wiser to avert or to postpone. It is of primary importance that they do not escape, in many quarters, the suspicion of giving rise to Judgments, which are founded (however unconsciously) on motives of policy more than on a dry unbiassed consideration of the law, and which thereby suffer loss in their moral claim to respect. At the same time, as far as honour and general ability are concerned, no one would think of casting an imputation on those who administer

* See 'The Church of England and Ritualism,' ii. 24–26, published in 1875.

the law. Many of them have been men singularly eminent and good. The conclusion to which I am drawn is, that not only the particular instrument, but the method, is defective. The conditions, under which the ancient Church of England holds her place as a national establishment of religion, cannot (it seems to me) be bettered or readjusted, when they are out of order, by such means. Conscience and feeling have a very large share in the matters which they touch; and these recoil from determination by the hard touch of legal sentences. I do not lay down any abstract opinion to govern extreme cases; but I speak of what has actually occurred. Also I bear in mind that we came through the great Wesleyan movement of the last century, and the Evangelical movement in the early part of the present century, without having had any recourse to measures of this kind. And who in calm retrospect would desire that they should have been resorted to on either of these occasions?

But, be this as it may—and I am far from claiming more than mere liberty to submit a personal opinion—there can, I think, be nothing but advantage in whatever tends to promote historical investigation of the subject: especially for those who think, as I do, that the forefathers of the English nation, when thus put upon their trial, will come honourably and well, due allowances being made, out of whatever scrutiny their conduct may be called to bear.

[The passages in brackets were excluded from the reprints, as having lost their application to the altered circumstances of the time, and as distinct from the main line of the constitutional argument. They are, however, now reproduced as belonging to the history of an important and critical controversy.—W. E. G., 1878.]

Letter to THE LORD BISHOP OF LONDON (BLOMFIELD).

[1. MY LORD BISHOP,—The residents in your Lordship's diocese need, I hope, make no apology, unless it be to yourself, for laying before you at this great and unexampled crisis in the history of the Reformed Church of England, either their apprehensions from the dangers that surround her, or their suggestions in regard to the means of relief. Your paternal office affords me this first and chiefest reason for addressing you, and renders it needless to dwell upon your signal and unmeasured labours in its discharge as a second.

2. The ferment of the present hour, my Lord, has set many minds and pens in motion. But it is not excitement only with which you have to deal. Many of those persons in the Church, if I am not mistaken, who are the least excited, are likewise the most profoundly moved. Besides the vehement and sudden emotion of such periods as this, they minister food to the slower and more inward, the more permanent and profound, processes of the mind. If solicitude may well be felt on account of those, whom the storm at once dislodges as leaves that were half ready of themselves to fall, much more should it be wakened if we find that the fond and affectionate, the resolved and tranquil, children of the Church have arrived, or are arriving, at the conviction that she is in near peril of the forfeiture of her solemn trust, and that the providence of God, which has hitherto so wonderfully kept her, makes now the most urgent calls upon the courage and sagacity of all who, whether as rulers or subjects, and whether in the State or in the Church, have an interest and a share in the determination of her destinies.

3. Your Lordship knows, I doubt not, how many minds, not usually given to violence or precipitancy, are entirely convinced that the principles of the report or recommendation of the Judicial Committee in the case of Gorham *versus* the Bishop of Exeter, are fatal, in the first instance, to an article of the Christian faith, and in their indirect, but, as they believe, certain results, to all fixed dogmatic teaching whatsoever; as well as to the office and vitality of the Church, which depends upon that teaching, and to its national establishment, which would not long survive, under the circumstances of the day, its surrender of its higher charter.

4. I shall not, on the present occasion, enter upon any scrutiny of these propositions, because it would lead me into great length, and is not necessary for the purpose which I have in hand. Nor shall I inquire whether it be really true, or, on the other hand, egregiously false, that the opinions stated in Mr. Gorham's book are those which have always been tolerated, if they have had no direct sanction, in the Church of England; or, that they are in substance the opinions of a large number of her clergy at the present day; or, that there is a general satisfaction with the result of the proceedings (assuming that they have reached their final result). For with the state of law, which has led to that result, no one pretends that there is a general satisfaction. No one pretends, that the constitution of the Judicial Committee of Privy Council is adapted to the due and solemn decision of cases of doctrine. Before the decision in the Gorham case was delivered, and when no man had an interest in upholding unduly the credit of the court, there was but one voice of reclamation throughout the country against the gross indecency of such a mode of provision for such causes.

And even now, when the case is much altered in that respect, there is still a nearly universal acknowledgment, that the law requires material alteration. It is enough for me to stand upon this acknowledgment; and upon the further fact, that so many persons of the greatest weight, from the episcopal bench downwards, will find themselves precluded in conscience from acquiescence at any time, or under any circumstances, in the law as it now is, because they are convinced that it is a state of law which has already led to the violation, and would ultimately lead to the destruction, of the faith and work of the Church.

5. Your Lordship has perhaps also been apprised, that among the evil fruits of the recent proceedings, has been the avowal, which they have drawn from some quarters, of an opinion that the English Church is now reaping as she has sown: that the constitution of the Appellate tribunal is conformable to the principles established at the Reformation for governing the relations between the Church and the State: that the Royal Supremacy, as it was then declared or defined, involved a surrender of the birthright of the Church, and that unless by its destruction she cannot be saved.

6. These opinions coincide, for the immediate and practical purposes before us, with others that proceed from opposite points of the compass. They are the opinions which, very naturally and consistently, Roman Catholic writers among us have laboured, and now with heightened hopes are labouring, to propagate; which for the moment are attractive to such persons, as approve of the late Report on its merits; which have always found a good deal of favour with a particular political party; and which, it must be added, are eminently acceptable to the spirit of the world, and the spirit of the age, in so far as

these are in conflict with the spirit of Faith, and of the great institution which was appointed for the propagation and support of that spirit.

7. It has, therefore, become vital to many that they should ascertain whether they are really placed in so grievous a dilemma, as that either they must condemn the reformation of the Church of England as involving a traitorous abandonment of her trust, and therefore quit her communion; or else they must accept a system under which, while the legislative organs of the Church are in abeyance, her laws are to be judicially construed and applied, even in the very highest and most solemn subject-matter, by a Court essentially temporal and civil, and a Court which, as they conceive, has already, on the very first occasion of its reversing a sentence of the ecclesiastical judge, made practically null one article of the Christian faith, and established principles that must involve the nullification in due time of the rest.

8. This inquiry, my Lord, is indeed of vital moment to those who, loving the Church-Establishment of England, and unwilling to disentangle elements, which have long and on the whole beneficially cohered, yet must, when they are put to it, not scruple to declare that they love the Church first and the Establishment second, and that there cannot be a moment's hesitation in the choice between them; or who, loyal in heart to the Reformed Church of England, yet place the Church first and the redress of abuses in it second, as every good citizen must revere the British constitution itself more than any particular Statute, however grave, however wise, however restorative.

9. And, vital to these persons, the inquiry is important at least, if not vital, to all who, with less defined ideas,

or even with different estimates of the relative values of the several elements of the case, are nevertheless desirous so to frame their course, as to relieve consciences, and to promote peace; and who would gladly find that they could best attain their ends by adhering, or by returning, as the case may be, to the principles declared at the Reformation in regard to the relation of Church and State.

10. My Lord, I for one am deeply convinced that it is requisite for the Church, while she continues in possession of her temporal honours and emoluments, to make every effort compatible with her first necessities to disarm even groundless jealousies on the part of the civil power; not to vaunt in braggart words her readiness to abandon her legal privileges rather than her faith, until she actually sees that the hour, appointed for her to make that choice, is at hand; and to observe the utmost care that, in all demands which she may make upon the State for legislative relief, she takes her stand, as to all matters of principle or of substance, upon the firm ground of history and law.]

11. The questions that I seek to examine will be as follows:

(1). Did the Statutes of the Reformation involve the abandonment of the duty of the Church to be the guardian of her Faith?

(2). Is the present composition of the Appellate tribunal conformable either to reason, or to the Statutes of the Reformation, and the spirit of the Constitution as expressed in them?

(3). Is the Royal Supremacy, according to the Constitution, any bar to the adjustment of the Appellate jurisdiction in such a manner, as that it shall convey the sense of the Church in questions of doctrine?

[12. All these questions I humbly propose to answer in

the negative, and so to answer them in conformity with what I understand to be the principles of our history, and our law. My endeavour will be to show that the powers of the State so determined, in regard to the legislative office of the Church (setting aside for the moment any question as to the right of assent in the laity), are powers of restraint; that the jurisdictions united and annexed to the Crown are corrective jurisdictions; and that their exercise is subject to the general maxim, that the laws ecclesiastical are to be administered by ecclesiastical judges.

13. If the reply be a correct one, my intrusion upon your Lordship's time may be excused. If the main propositions are overruled by opposite authority and evidence, I shall retire from the contest with earnest desires, but with the faintest hopes, that any means may yet be discovered of prolonging the existence of the national Establishment of religion without violating the integrity of the Christian Faith, polluting the conscience of the Church as its appointed witness, and destroying alike its authority and its capacity for a due discharge of its work. In the meantime I contest the propositions of the writers to whom I have referred* with an unshrinking confidence, in the name and in the interest, as it seems to me, not less of the State than of the Church; being persuaded that their view proceeds upon a misapprehension of our religious history, and a fundamental and entire misapprehension, in the particular subject before us, of the Constitution of this country.

14. I find myself neither bound nor authorised to deliver over to anathema the memories of our forefathers

* *Sup.* Par. 5.

in the Church, who are alleged to have transacted this gigantic simony, this barter of the work of the Holy Ghost for the trappings of power and the lucre of an evil world, for the lust of the eye and the pride of life. I shall contend that, amidst the great alarms, and the yet greater dangers, of this emergency, we require nothing more than a wise and manly moderation on the part of our temporal rulers; nothing more—or, rather, something less—than a frank adoption of the constitutional principles of the Reformation, in order, I will not say to heal and close the divisions which the recent proceeding has both disclosed and also frightfully aggravated, but to put them in the way of the only treatment which can either relieve consciences now most grievously oppressed, or secure to the Church the degree of peace necessary for the avoidance of perpetual scandal, and for the discharge, even the partial discharge, of her sacred function.]

15. Let us, my Lord, first briefly sum up the concessions made by the Church, and the main statutory enactments of the era of the Reformation respecting her, whether founded on her concessions or not; and afterwards review, in general outline, those conditions which, growing out of the nature of the State and of the Church respectively, seem to be indispensable to their full co-operation under all circumstances, and even to their peaceable neighbourship, except under the circumstances which I shall afterwards describe. With these preliminaries, we shall be in a condition to attempt an estimate of the real meaning, and the real merits, of the great legislative provisions of the Reformation relating to Church power.

16. First then, both Houses of the clergy in Convocation acknowledged the King, in the year 1530, as being

lord and head over the Church, in these terms: *Ecclesiæ et cleri Anglicani singularem protectorem, unicum et supremum dominum et quantum per Christi legem licet, etiam supremum caput ipsius majestatem recognoscimus.**

I do not enter into the question† whether the qualifying words *quantum per Christi legem licet* were finally omitted by the Convocation, but simply follow the received opinion. In the statute,‡ however, though passed "for corroboration and confirmation thereof," that is, of the submission, there is no notice of them.

17. Secondly, the clergy acknowledged that the Convocation always had assembled, and ought only to assemble, by the King's writ.

It is not required to dwell upon this point: first, because it purports merely to be an acknowledgment of existing practice; secondly, because the question whether Convocation were to assemble otherwise than by the King's writ, was a secondary one when the Church had likewise the power to legislate in Synods, which were undoubtedly assembled without any such writ; and lastly, because the really effective restraint was that conceded by the Promise of the clergy, which, it will be seen, was not applicable to any particular form of meeting, but bound the whole Spiritual Estate, without distinguishing any one mode of formal action from another.

18. Thirdly, they promised *in verbo sacerdotii*, according to the recital in 25 Hen. VIII. c. 19, never thenceforward "to attempt to allege, claim, or put in use" any new canons but with the King's licence.

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* Collier, ix. 94. In immediate connection with the words are the thanks of the Convocation to Henry for his services to the Church, against *quamplurimos hostes, maximè Lutheranos.*

† See Parker, Antiq. Eccl. Brit. p. 487. ‡ 26 Henry VIII. c. 1.

Fourthly, that they never would "enact, promulge, or execute" any such canons without his assent.

Fifthly, they petition that a Commission may be appointed by the Crown, to consist of thirty-two persons—sixteen to be of the clergy, and sixteen to be laymen of the two Houses of Parliament—to review the Church laws then subsisting; to abolish and annul such part of them as they might think exceptionable; and to present such of them, as they might consider worthy to stand, to the Crown for fresh confirmation.*

19. The powers thus proposed to be delegated were vast; they did not, however, include any right to pass or to propose any new matter for ecclesiastical law. The ground of the proceeding was recited to be, that there were at the time, as no doubt was true, many decretals and constitutions that were contrary to law, and onerous to the subject as well as to the King.† Nor is it necessary to discuss the wisdom or propriety of this petition of the clergy, since the enactments passed in consequence of it never took final effect; and, however material they may be as illustrating the spirit and tendencies of the day, they have not in any direct manner entered into the constitution of the English Church.

20. By these recitals, we plainly see what were the concessions of the spiritual estate of the realm in regard to the power of legislation for the Church. There was no surrender of that power, no acknowledgment that the source of it resided in the Crown: but the exercise of it was placed under restraints perfectly effective; as it was

* The persons actually appointed under Edward VI. may be found in Collier, App. No. LXI. They were seventeen of the clergy, with eight lawyers and six civilians.

† 25 Henry VIII. c. 19.

made dependent on the Royal licence or assent, both as to the office of deliberation, and as to the right of giving effect to its results.

21. Accordingly, both the theory and practice of the State have recognised the legislative power of the Church to be in Convocation. The formularies of the Church, as they subsist, were adjusted by it, and received the sanction of the Legislature. The latest declaration on the subject is perhaps the clearest: that, namely, of 1689, by a joint Address from both Houses of Parliament, praying, "that according to the ancient practice and usage of this kingdom in time of parliament, His Majesty would be graciously pleased to issue forth his writs, as soon as conveniently might be, for calling a Convocation of the clergy of this kingdom, to be advised with in ecclesiastical matters."*

22. It is not, however, so clear what the Convocation either augured or intended with respect to executive and judicial power, in making these concessions. An acknowledgment of the headship of the Crown, qualified by the law of Christ, by no means appears *ex vi terminorum* to imply the annexation to it of a supreme jurisdiction in all ecclesiastical causes. And although we find in the submission the words, "*singularem protectorem, unicum et supremum dominum*," the framers of the statute have not thought it worth their while to recite these words, or to found any construction upon them. Again, the acknowledgment of the King as head of the Church is recited as absolute, contrary as it appears to the fact; and the enacting part of the statute is not confined to providing that the King shall be reputed its head, and shall have

* Cardwell's 'Synodalia,' Pref. p. xxi.; Parl. Hist. v. p. 216.

all the jurisdictions and authorities appertaining to that title, but it goes on to make a separate provision, that the Crown shall have full power and authority to correct all errors, heresies, and offences whatsoever, "which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended." In these words all corrective jurisdiction whatever was definitely annexed to the Crown, while the privileges appertaining to headship were left quite undefined. The effect of the statute, therefore, seems to be, that while *corrective* jurisdiction was secured in legal language to the temporal power, there was no distinct provision whatever made with respect to *directive* jurisdiction, that is to say, the ordinary authority by which the functions of the Church, when unobstructed by offence or dispute, are discharged.

23. I have referred in detail to the statute of the 26th Henry VIII., because of the importance of its subject-matter, and the reference to it in subsequent statutes; and because it is sometimes alleged to be still in force.* This allegation, however, appears to be quite erroneous. The note on the Act in the Statutes at large directs our attention to the circumstances that the Act was repealed by the 1 & 2 Phil. and M. c. 8; and that, when the repealing Act was itself repealed, the repealing parts of it were saved, in the 1 Eliz. c. 1, except as to certain of the rescinded Acts therein particularised, among which this is not contained. (See 1 Eliz. c. 1, sections 2–13.)

24. The enacting parts of the 1st of Elizabeth make no reference to the consent of the clergy.

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* Stephens's 'Eccles. Statutes,' p. 177 n.

We must then refer to further proceedings to ascertain within what limits the clergy recognised a lawful power, other than legislative, in the Crown, for ecclesiastical purposes.

The Thirty-seventh Article, adopted by the Convocation in 1562, but belonging to the number of those which do not appear to be included in the Act of 1570 (which requires the subscription of the clergy), declares as follows:

"The Queen's Majesty hath the chief power in this realm of England, and other her dominions; unto whom the chief government of all estates of this realm whether they be ecclesiastical or civil in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction."

25. The Canons of 1603 went farther; for they bound the clergy to maintain and cause to be maintained all that the civil power had done in regard to the supremacy. It is provided in the first of these Canons, that they

—"shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular laws and statutes, made for restoring to the Crown of this kingdom the ancient jurisdiction over the State Ecclesiastical, and abolishing of all foreign power repugnant to the same."

And by the second, excommunication is decreed against those who shall affirm that the King hath not the same authority in causes ecclesiastical that the godly Jewish Kings and Christian Emperors enjoyed; or shall

—"impeach any part of his regal supremacy in the said causes restored to the Crown, and by the laws of this realm therein established."

26. In 1640, Canons were passed, which were equally complete with those of 1604 as Synodical Acts, and which

like them received the Royal assent, though they have never obtained the force of law. In the first of these, the supremacy is defined as attaching to the office of king generally rather than to that of the King of England in particular; and among other matter we find the following explanatory clause:

"For any person or persons to set up, maintain, or avow, in any their said realms or territories respectively, under any pretence whatsoever, any independent *coactive* power, either papal or popular (whether directly or indirectly), is to undermine their great royal office, and cunningly to overthrow that most sacred ordinance which God himself hath established; and so is treasonable against God as well as against the King."

27. Upon the whole it seems very evident that the statutory settlement, at the Reformation, of the ecclesiastical jurisdiction of the Crown was in part founded upon the anterior proceedings of the Church, and as to the rest accepted by her subsequently; and that she is fully and absolutely responsible for it in the most determinate manner; and not merely in the less determinate, though equally real, manner, in which she may become responsible, through continued and general acquiescence, for measures to which she has never directly been a party.

28. The provisions, then, of the temporal law, for which the Church thus became answerable by the direct and formal adoption of them, appear to have been as follows.

We pass by the 26th Henry VIII., because, as we have seen, it was not in force at any period after the reign of Mary.

The 1st of Elizabeth, c. 1, sect. 17, provided "that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or

may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm."

And in the nineteenth section it provides that (among others) all bishops and ecclesiastical persons shall take the oath of the Queen's supremacy, which commences with the following clause:

"I, A B, do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm, and of all other Her Highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes, as temporal."

29. But it is important to observe that the words which I have quoted no longer find place in the oath, as they were struck out of it when it was remodelled in the 1 Ph. & M. c. 8. The main operative enactment, therefore, to which the Church now stands bound by the terms of the Canon is that of 1 Eliz. c. 1. sect. 17, uniting and annexing all lawful spiritual jurisdictions to the Crown. The present oath of supremacy merely repudiates the Papal supremacy, though in terms which, relatively to the present state of the law, are open to exception.

The clergy, however, at ordination and institution, subscribe to a clause in the thirty-sixth canon containing words similar to those of the oath of Elizabeth.

We have now before us the terms of the great Statute which, from the time it was passed, has been the actual basis of the Royal authority in matters ecclesiastical: and I forbear to load these pages by reference to declara-

tions of the Crown, and other public documents less in authority than this Act, in order that we may fix our view the more closely upon the expressions of what may fairly be termed a fundamental law in relation to the subject-matter before us.

30. The first observation I make is this: there is no evidence in the words which have been quoted that the Sovereign is, according to the intention of the statute, the source or fountain-head of ecclesiastical jurisdiction. They have no trace of such a meaning, in so far as it exceeds (and it does exceed) the proposition, that this jurisdiction has been by law united or annexed to the Crown.

I do not now ask what have been the glosses of lawyers; what are the reproaches of polemical writers; or even what attributes may be ascribed to prerogative, independent of statute, and therefore applicable to the Church before as well as after the Reformation. I must, for the purposes of this argument, assume what I shall never cease to believe until the contrary conclusion is demonstrated by fact, namely, that in the case of the Church justice is to be administered from the English bench upon the same principles as in all other cases; that our Judges, or our Judicial Committees, are not to be our legislators; and that the Statutes of the realm, as they are above the sacred majesty of the Queen, so are they likewise above their ministerial interpreters. It was by statute that the changes in the position of the Church at that great epoch were measured, by statute that the position itself is defined; and the statute, I say, contains no trace of such a meaning as that the Crown either originally was the source and spring of ecclesiastical jurisdiction, or was to become such in virtue of the

annexation to it of the powers recited; but simply bears the meaning, that it was to be master over its administration.

31. The powers given are corrective, not directive or motive powers—powers for the reparation of defect and the reform of abuse, but not powers on which the ordinary, legitimate, and regular administration of the offices of the Church in any way depends for its original and proper sanction.

Is this a mere refinement, or is it a valid and important distinction? Is the authority entitled to redress evils in a given relation of life, or incorporation of men, of necessity that on which the regular discharge of the duties of that relation, the proper obligations attaching to membership in that society, depend?

32. The answer to this question will, I think, be found to depend on an anterior one, namely, this, whether the given relation in life, or the given society, is one constituted by the State, or co-ordinate with (or anterior to) it. In the former case the hand of the State, by its own strength, imparts to the machine its movements; in the other it stands by, and only tempers, when need has arisen, the operation of an independent agency. Of an army, the State is the creative power, and as much directs what ought to be done, as corrects what ought not to be done. On the other hand, the State did not create the family, yet it regulates, with a breadth of range that it rests only with itself to define, the relations of its members; yet subject to this great distinction, that whatever interference, as between man and wife, or as between child and parent, it may exercise, is always on the ground of faults committed or defects that have occurred, never to teach duty. The whole office of correction is not a

normal office, but it is, as administered by man, an expedient; the best that the case admits of; a choice of the lesser evil; and it would be thought ridiculous to hold that the duties of kin were derived from the law of the land, for this reason, that the family is in fact anterior to the State, and independent of it, and has its duties marked out by the hand of God. But every one of these propositions is, as matter of historical truth, if we believe in the New Testament, no less incontestable concerning the Church, than it is concerning the family.

33. I say, therefore, it does not appertain to the State, by the nature of things, to be the origin of ecclesiastical jurisdiction. If not, then, by the nature of things, has such an attribute come to it by compact? I answer, no: the compact of the Church and the State in regard to their constitutional relations is well defined by statutes founded on the prior or posterior consent of the clergy, and themselves conveying the consent of the laity; and the compact contains no such condition.

34. But another question remains: Has such a claim been *de facto* made and exercised by the State, say on the ground of prerogative or on any other ground, and is it actually our law, sanctioned on all hands by acquiescence and by use for a long tract of time?

I. answer, no. There was indeed such a claim, and such an exercise of it, in the reigns of Henry VIII. and Edward VI. More or less of it certainly must have been involved in the vicar-generalship of Cromwell, and in the episcopal Commissions of both those reigns. For, although those Commissions only purported to confer on the prelates receiving them powers *præter et ultra* what had been imparted to them by Holy Scripture, yet they were powers on which the whole exercise of the office was immediately

dependent, as was plain from the terms in which they were conveyed. The claim itself is palpable even in the letter of the proceedings of the reign of Edward VI., for in the *Reformatio Legum* it is declared respecting the King as follows: "*Omnis jurisdictio, et ecclesiastica et secularis, ab eo tanquam ex uno et eodem fonte derivatur.*" *

35. Similar language may be found in the episcopal Commissions, and in statutes of this reign. But the statutes were repealed, and remain so: the *Reformatio Legum* never gained the force of law; and with those Commissions we have nothing whatever to do. The issue of them was an extravagant stretch of the power supposed to be latent in the admission of the Royal headship. They were first issued by Henry, and after the demise of Edward VI. we hear of them no more. They were never issued by law: and the headship, of which the power to issue them may have been supposed an attribute, has itself, after subsisting for twenty-five years, been extinct for two hundred and ninety-six, as far as the Statute-book is concerned.

Whatever inference might be drawn from the use of the word Head is more than destroyed by the marked transition to the term Governor; and the idea which that term conveys is of a negative, not a positive character; it is that of a power which corrects, but does not actuate.

36. I have read with some surprise and much grief, in the work † of a clergyman of great ability and of undoubted theological learning, the assertion that in the

* Stephens's 'Eccles. Stat.' p. 406. Similar expressions may be found in the reign of Henry VIII. See Collier, App. No. XLI.

† 'The Royal Supremacy viewed in reference to the two Spiritual Powers of Order and Jurisdiction.' By T. W. Allies, M.A., Rector of Launton, Oxon.

time of Henry VIII. the See of Rome was both "the source and centre of ecclesiastical jurisdiction," and therefore the supreme judge of doctrine; and that this power of the Pope was transferred in its entireness to the Crown.

I will not ask whether the Pope was indeed at that time the supreme judge of doctrine: it is enough for me that not very long before the Council of Constance had solemnly said otherwise, in words which, though they may be forgotten, cannot be annulled.

37. That the Pope was the source of ecclesiastical jurisdiction in the English Church before the Reformation is an assertion of the gravest import, which ought not to have been thus taken for granted. It is one which I firmly believe to be false in history, false in Law; which, in my view as an Englishman, is degrading to the nation, and, as a Christian, to the Church. This is simply to make the Pope universal bishop. But even Gratian, with his false Decretals, which magnified so enormously the Papal power, denies this office to the Pope in the following words, as cited by Van Espen: "*Universalis autem (episcopus) nec etiam Romanus pontifex appellatur.*" * As to Van Espen's own judgment, it is almost needless to refer to particular passages. But again I go back to the Decretals, which themselves, as cited by him, declare that all the Apostles were sharers with St. Peter in the same honour and power: "*Cæteri vero Apostoli cum eodem pari consortio honorem et potestatem acceperunt.*" † The fact really is this: a modern opinion, which by force of modern circumstances has of late gained great favour in the

* Van Espen, 'Comment. in primam partem Gratiani Dist.' 99.
† Van Espen, 'Jus Eccles.' Part I. tit. xvi. cap. 2.

Church of Rome, is here dated back and fastened upon ages to whose fixed principles it was unknown and alien; and the case of the Church of England is truly hard, when the Papal authority of the Middle Ages is exaggerated far beyond its real and historical scope, with the effect only of fastening that visionary exaggeration, through the medium of another fictitious notion of wholesale transfer of the Papal privileges to the Crown, upon us, as the true and legal measure of the Royal supremacy.

38. It appears to me that he who alleges in the gross that the Papal prerogatives were carried over to the Crown at the Reformation greatly belies the laws and the people of that era. Their unvarying doctrine was, that they were restoring the ancient regal jurisdiction, and abolishing one that had been usurped. But there is no evidence to show that these were identical in themselves, or coextensive in their range. In some respects the Crown obtained at that period more than the Pope had ever had; for I am not aware that the Convocation required his licence to deliberate upon canons, or his assent to their promulgation. In other respects the Crown acquired less; for not the Crown, but the Archbishop of Canterbury was appointed to exercise the power of dispensation in things lawful,* and to confirm episcopal elections.

39. Neither the Crown nor the Archbishop succeeded to such Papal prerogatives as were contrary to the law of the land; for neither the 26th of Henry VIII. nor the 2nd of Elizabeth annexed to the Crown all the powers of correction and reformation which had been actually claimed by the Pope, but only such "as hath heretofore

* 25 Hen. VIII. c. 21, sect. 3–6.

been or may *lawfully* be exercised or used."* But what was contrary to statute or to prerogative the Bishop of Rome could not lawfully do; and therefore, whatever he had done of this kind, the power to do was not annexed to the Crown by the Act. Nay, more, the title of the Act itself, which generally limits and bounds the force of the contents, and which, at any rate, describes in the clearest manner the intention of the Legislature, is not "An Act for annexing to the Crown the powers heretofore claimed or used by the See of Rome," but "An Act to restore to the Crown the ancient jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign powers repugnant to the same." The "ancient jurisdiction," and not the then recently claimed or exercised powers, formed the measure and the substance of what the Crown received from the Legislature; and, with those ancient rights for its rule, no impartial man would say, that the Crown was the source of ecclesiastical jurisdiction according to the statutes of the Reformation. But the statutes of the Reformation era relating to jurisdiction, carrying, as statutes, the assent of the laity, and having been accepted by the Canons of the clergy, are the standard to which the Church has bound herself, as a religious society, to conform.

40. This principle of return to the ancient jurisdiction received in the reign of Elizabeth a very special sanction. With the Queen's injunctions of 1559 there was an admonition, declaring it to be the meaning of the oath of supremacy that the Queen should have "sovereignty and rule over all manner of persons," "so as no other foreign

* 1 Eliz. c. 1, sect. xvi. The words in 26 Hen. VIII. c. 1, are certainly not larger.

power" should "have any authority over them." This was declared to be the ancient jurisdiction of the Crown, and the jurisdiction claimed by Henry VIII. and Edward VI.: and the Statute 5 Eliz. c. 1, sect. 14, refers to the Admonition as fixing the legal construction of the oath, and limiting the obligation contracted by it.

41. At the same time there are cases on record, in which the Royal jurisdiction was asserted for the supply of defects, so as to go beyond the general definition of a simply corrective power. Such were the suspensions of Archbishop Grindal and Archbishop Abbot. Of these suspensions I shall only say that I apprehend much stronger instances might be found* of interference by Sovereigns to defend the Church against her own official rulers, which have been always considered just and laudable under peculiar circumstances, however undesirable as a general rule; and that the purpose in these cases undoubtedly was so to defend it, and to prevent its laws from being undermined and its system sapped by a latitudinarian spirit enthroned in its primatial chair.

42. The absolution of Archbishop Abbot from the canonical incapacity incurred through his having killed a man by accident, has been named as a signal instance of the height to which the supremacy was carried, but to me it appears a case so purely of the exterior *forum* as hardly to touch the question; and the instrument of dispensation itself bears the most distinct testimony to the fact that his character as a Bishop, and not the decree of the Crown, was regarded as the source of his authority: it was a commission to Bishops, issued on the prayer of the Archbishop: it declared itself to be issued "*ad*

* *i.e.* in other fields of Church history. (Note in 1877.)

cautelam et ex superabundanti, ad abundantiorem cautelam, ad majorem cautelam:" and its purpose is "*ut in susceptis ordinibus et jurisdictionibus secundum concreditam sibi ratione ordinis et archiepiscopatûs sui potestatem liberè ministrare . . . valeat.*"*

43. But, besides the executive acts of suppression above named, we have another remarkable fact, a favourite one with Roman Catholic controversionalists, in the Statute 8 Eliz. c. 1, which relates to the consecrations of the first bishops of that reign. As to this Act of Parliament I would observe, in the first place, that it carefully avoids pretending to confer *proprio vigore* the episcopal character or power. It is entitled "An Act *declaring* the making and consecrating of the Archbishops and Bishops of this Realm to be good, lawful, and perfect." The doubts or questions which it recites in the preamble are on the point "whether the same were and be duly and orderly done *according to the law* or not:"† the remedy is partly to *show* that it has been "duly and orderly done, according to the laws of this realm;" and partly "to provide for the more surety thereof." It appears that Bishop Bonner had alleged that the Ordinal, repealed along with the Prayer-book in the reign of Mary, had not been separately named in the reviving Statute 1 Eliz. c. 2.‡ The objection seems to have been frivolous, since neither was it expressly named in the statute of repeal. And the true meaning to be assigned to the Act appears to be this: that it was passed *ex majori cautelâ*, not because the doubts entertained were supported by any strength of reasoning, but because the consecration of the Bishops was the corner-

* Collier, ix. 376. † Preamble, 8 Eliz. c. 1.
‡ Gibson's 'Codex,' p. 100.

stone of the ecclesiastical order, and it was therefore thought necessary to give it all the support and sanction which it could derive, as matter of law, from the most express and detailed provisions.

44. Let us, however, suppose, as may be the case, that the Act had a wider purpose than merely to meet this technical cavil on the wording of the Statutes; that it contemplated, and sought to meet, the whole of the objections urged by the partisans of the Roman See against the consecration of Parker in regard to mission and jurisdiction. Does it in this point of view sustain any such inference as that the Church of England denies the existence "of any special power to govern the Church beyond that which is in the civil magistrate"?* Be it observed all along, the question is not whether the Statutes of the Reformation affirmed anew that which, according to the laws of the Church, was already sufficiently affirmed for ecclesiastical purposes, taken alone; but whether in making such affirmation they denied either directly or by implication that the matter in hand might have a distinct spiritual basis, independent of secular legislation.

45. We will assume, then, that the Statute intended to exclude and put to silence all objections, to include in its purview all the circumstances of the consecration of Parker, and to assert the validity of his mission and jurisdiction. Now this I allege might be done, with perfect consistency, by those who were most firmly convinced that, for spiritual purposes, all these were already valid; because upon that validity depended not spiritual acts only, but a great number of secular, and perhaps a yet greater

* Allies, p. 61.

number of mixed transactions, appertaining to bishops, and utterly incapable of deriving validity from theological argument, or from any source whatever except the law of the land.

46. Suppose, for instance, that a tenant of the See of Canterbury had refused to pay rent to Parker under a lease, on the ground that he was not a lawful incumbent. The very best treatise, that a Courayer could have written to show that Parker had mission and jurisdiction in the sense of the Church, would not have availed him; nothing but a statute would have redressed the wrong; and it was therefore reasonable to pass a statute for the purpose. And if its general aim did not disparage the inherent faculties of the Church, neither did its language; for both in title and in preamble, as I have shown, it confined itself to legal regularity; while, in the enacting clause touching the Bishops and clergy concerned, the provision is really worded with the utmost care, so as to avoid the supposition of a pretension to give spiritual power. It is this: that the said bishops and clergy

—"be in very deed, and *also* by authority hereof declared and enacted to be, and shall be, archbishops, bishops, priests, ministers, and deacons, and rightly made, ordered, and consecrated."

47. Had the intention been confined to clearing up a doubtful point of statute law, the enactment would simply have declared these persons to be Bishops and clergy respectively: there was no room for a distinction between what they "be in very deed" and what they are to be "declared and enacted to be"; but the distinction is marked in the strongest manner by the word "also"; and in truth, while they were recited to be Bishops of the Church simply, they were declared and enacted to be

Bishops of the Church according to the laws having force within the realm.

48. Nor will it avail to say that the Legislature herein recognised only what is called the power of order as inhering in the Church, and not the power of jurisdiction. For the exercise of the power of order, or the conveyance of the episcopal character, is itself an act of jurisdiction: the whole question in doubt in this case was, whether its exercise had been good, as to certain particular instances, in the eye of law. It was expressly affirmed, by the words which I have cited, to be valid in very deed as to the conveyance of the episcopal character,* apart from the enactment declaring and constituting it valid for the purposes of law, which is only to say, in other words, that the exercise of jurisdiction was averred to be valid for spiritual purposes, apart from the sanction of the Legislature.

49. To sum up the whole, then, I contend that the Crown did not claim by statute, either to be of right, or to become by convention, the *source* of that kind of action, which was committed by the Saviour to the Apostolic Church, whether for the enactment of laws or for the administration of its discipline: but the claim was, that all the canons of the Church, and all its judicial proceedings, inasmuch as they were to form parts respectively of the laws and of the legal administration of justice in the kingdom, should run only with the assent and sanction of the Crown. They were to carry with them a double force: a force of coercion, visible and palpable; a force addressed to conscience, neither visible nor palpable, and in its nature only capable of being inwardly appreciated.

* *i.e.* by "consecration." (Note in 1877.)

Was it then unreasonable, that they should bear outwardly the tokens of that power to which they were to be indebted for their outward observance, and should work only within, by that wholly different influence that governs the kingdom which is not of this world, and flows immediately from its King?

50. But while I am unable to find in the laws or principles of the Reformation, as it was settled among us, any acknowledgment that the Crown is the source of ecclesiastical and spiritual jurisdiction, I will go a step further and say, that although this is not language which could be legitimate and safe in the mouth of the Church, it is neither unintelligible, nor of necessity intolerable, as the language of law and of its professors.

Whether the Church can exist in security, and work in peace, by the side of a system of law framed on such a principle, or, which I take to have been our case, where the members of the legal profession have favoured the attachment of such a sense to laws not requiring and in strictness not properly admitting it, is a question of vital importance; but one, as far as appears to me, to be determined according to times and circumstances carefully considered, and not by hasty inferences from abstract principle.

51. I hold, then, by the proposition, that the Church cannot be made responsible for glosses put upon the law to her prejudice, and for the professional traditions which may influence the Courts, but of which she cannot minutely follow the rise, and against which she has no means of contending till a crisis is brought about; but that she is properly and morally responsible only for those statutes in their plain meaning which she has formally accepted, or else made her own by evident, general, and continued

acquiescence. Subject to this limitation, I should wish also, and earnestly, to represent how much is to be said on behalf of the Royal Supremacy, even as it is commonly understood by that profession which has always been jealous, and within certain bounds legitimately jealous, of ecclesiastical power. Even if we superadd to the restraints imposed by law upon the legislative power of the Church the doctrine that the Crown is the fountain of ecclesiastical and spiritual jurisdiction—even if we allow this, for argument's sake, as a true description of the legal relation to the Crown which the Reformed Church has inherited,—still, I say, do not let the men of the present day be too hasty in consigning the memory of their forefathers to condemnation and disgrace, but let us consider whether, even under these hard and untrue conditions, it can be pleaded against the Church of England that she has made over her spiritual trust to a secular power, and sold herself for gold.

52. Strong, indeed, are the general reasons, applicable to the state of society which has until recently prevailed, for a close amalgamation between ecclesiastical and civil authority. They are founded in human nature; and in the nature of the societies, which are the depositaries of each power respectively. They are painfully illustrated by the convulsive struggles which have arisen out of those collisions that history records.

53. We have been thus far on the question of fact, what the actual Constitution was. We come now to the question of right, how far it was accordant with the nature and obligations of the bodies concerned.

The temporal aspects of the life of man have ever been, and must always be, in the closest relations, with the spiritual. Before the advent of our Lord, the system now

called Erastian prevailed; it has all the authority of Pagan precedent. Creed, priesthood, ritual, all that constituted the religion of the masses of mankind, were in a subjection to the State, only qualified by such advantage as the necessities of the civil power and the superstition of the vulgar secured to the priesthood. The religion of the world was broken up into fragments, and the State determined the order and the relations in which these fragments should stand side by side. Now the State was a power borne to universal command, and to very high and sacred duties. Its first and inalienable vocation, says Savigny,* was to make the idea of right as between man and man dominant in the visible world. What part of life is there, whether domestic, civil, or religious, that is not in some sense touched by this all-embracing yet, I must add, this just definition?

54. But, after the promulgation of the Gospel, it was found that a new society had been established in the world, claiming to pervade all lands and to command the allegiance of all men in each of them. This allegiance, too, though spiritual in its kind, yet reached in some sense to all their acts, because all the acts of a Christian were to be done to the glory of God, and therefore must needs be under the guidance of the spiritual principle, which has its home in the Church, and whose light came by the channel of her teaching. It is true that this latter kingdom was a kingdom not of this world, but it was in this world. It had numberless points of necessary contact with this world's affairs; and the infirmity and corruption that belong to man, in or out of the hierarchy, wrought constantly to increase them by adding others,

* Savigny, Röm. Recht. b. 1, c. 2, s. ix.

which were needless, and hurtful to spiritual ends. How to adjust the claims made by these two authorities upon the same ground and in the same subject-matter, each claiming universal command, though in respects primarily distinct, was a problem, not indeed impossible of solution, but yet the most difficult, as history bears witness, that has ever been presented to man in his social relations.

55. There were indeed periods, such as that of Constantine, and more especially of Justinian and Charlemagne, when the harmony of the Church and the State might have seemed to be perfect, and yet all that was necessary for the separate freedom of each to be secured. But there were other periods, extending over generations, or even centuries, when miscarriages in regard to this problem had convulsed Christendom with its longest and bloodiest wars. In no country had there been more frequent and habitual collision than in our own, between the civil power on the one hand, and the Papal chair, with its English partisans, on the other.

56. Now the records of history appear to show that, in days long antecedent to the Reformation, which were prosperous and honourable to both the parties in this great arbitrament, the basis on which they co-operated was this. The civil power lent the support of law and the strong hand to the decrees of the Church, and aided her to make head against the anarchy of the times; the Church promulgated those decrees under the sanction of the civil power, and thus afforded it an adequate guarantee against the encroachments of priestly ambition; while to the people law was presented as an unity, and escaped the risk of losing by division, and perhaps by conflict, the force of its claim on their obedience. It is not necessary

to examine up to what precise point this is true, or whether at any time it extended so far as to a formal contract on the part of the Church, surrendering her separate action: all that is now assumed is this, that in such periods as those of Justinian and Charlemagne the general rule was such as has been described.* The famous Submission of the English clergy carried that general rule into fixed agreement.

57. But, although the rules of ecclesiastical order thus went forth in the garb and with the sanctions of civil law, there was in this no real disparagement to the office of the Church, because the hand of the State in Church affairs, which externally affixed the seal of law, was guided by the mind of the Church. It was not the mere personal will of Justinian that framed the Pandects, and in them gave to the world an immortal store of the principles of civil jurisprudence; but it was the legal mind of his age that collected from all points of the social compass, and reduced into written maxims, the matured fruits of former wisdom and experience, and fashioned them for systematic and authoritative use. Even so, in the work of ecclesiastical legislation, although the stamp of civil sovereignty gave visible and coercive authority to legislation that was to bind at once in the exterior and the interior *forum*, it was the mind of the Church that advised and informed the Emperor, and practically determined the matter to which obedience was to be paid.

58. The conditions under which Church-power was to be exercised and issued were, in truth, much more than any question of endowment, the real terms of the contract

* This subject has been very ably treated in an article of the *Christian Remembrancer* for April 1850, entitled "Church and State."

between Church and State. Endowment, as it became the foundation of patronage, became also the subject of an important and difficult section of Church-law; but that reciprocity of concessions, and intermixture of action, which lie at the root of the idea of contract, are hardly traceable in the history of endowments beyond the one very weighty question of the law of patronage. It is in the mechanism devised for Church legislation, that the contract of the State with the Church is mainly to be read.

59. The apology, therefore, or excuse of the English clergy when they made their celebrated submission to Henry VIII., and formally conceded to him both the initiative and the veto upon ecclesiastical canons, is surely to be found in this. They may have looked back upon the incessant struggles of England with the Papacy, during the centuries from the Conquest to their own age, for warning, and yet further back upon the great and cardinal periods of the history of the Church, under the three Emperors in particular who have been named, for imitation. In reviewing those periods, they probably perceived how, where Church-law was running under the authority of a State all whose members individually owned allegiance to the Church, the Catholic faith grew in honour and extension, and the guarantees of social order were maintained. They had also another precedent, less commanding in dignity, but nearer to them, and yet closer to the subject, in the promulgation of the ecclesiastical laws of Anglo-Saxon times under the ostensible authority, not so much joined as mixed, of all those who met in the councils of the nation, whether spiritual or lay persons: a precedent, to which they might reasonably give much weight.

60. Nay more: this is, surely, an explanation of their conduct much more according to charity than the supposition that the bishops and clergy of a great Christian kingdom, and that kingdom our own noble and true-hearted England, were so drowned in corruption, and so lost to every consideration of decency and honour, that with their eyes open they surrendered to the secular authority the sacred charge of the Church in the custody of the Christian faith and discipline. But it is also far more rational as well as more charitable; first, because these extravagant imputations of universal degradation upon such bodies of men are in reality, as a general rule, fanatical and irrational to the highest degree; secondly, because the basis on which they placed themselves was not in the main a novel invention, but one known to history, and recommended by the actual working of the relations of the Church and the State at the times when they had been founded upon it.

61. Of course it is not intended to question that secondary motives may have had a very large share in producing the decision at which the English Convocation then finally arrived. Probably, without the fear of the *præmunire* and of the violent character of the King, that decision might not have been attained. But those who would on this account shut out the possible concurrence of better motives, should recollect that all the impure considerations were not on one side. Ambition and cupidity would incline the clergy to retain their powers with the same kind of force, and perhaps with as much force, as the fear of *præmunire* would prompt their relinquishment. The question is, did they deliberately sacrifice, on the altar of Mammon, the sacred deposit of Church authority? I say, no: they gave to the

Crown an absolute control over ecclesiastical legislation, in conformity with the tendencies which the works of some unreforming bishops had evinced, even before Henry's quarrel with the Pope; in conformity with the known practice, if not with any abstract declaration of the ages best to follow, and probably in a trust not unreasonable that the more frank and formal adoption of the same principles would be attended with the same happy results. It does not, indeed, seem too much to express a doubt, whether there was any other way than the concession of this control over ecclesiastical legislation to the Crown, by which the order of civil society could, in those times of profound movement and imperfect social organisation, be maintained.

62. Let us not judge the deeds of that generation by standards transferred to them from our own time and experience. We now see countries in which religious communities make regulations for themselves, apart from any sanction of the State, other than the protection which it affords to all agreements not contrary to the public law. But how great are the changes, by which separate action of this kind has been rendered practicable, and safe to society! How has the domain of ecclesiastical legislation been narrowed; the possessions of the Church reduced from a third* in some countries, and in others even a half, to a fiftieth or a hundredth part of the aggregate property of the country: above all, the religious disintegration of the body, the sway of private opinion, the diversity of sects and schemes of religion that now prevail, have so neutralised and wasted the political forces (*so to speak*) of religion, that freedom, as we have recently seen in Scotland, is the utmost to which she aspires, and that of

* [So estimated, possibly with exaggeration.—W. E. G., 1878.]

encroachment on civil right, when free, she does not dream.*

63. Yet, even now, there is no European country in which ecclesiastical societies are exempt from civil control: if we except the melancholy instance in which Religion still with her own hands administers a kingdom of this world, and withholds from the people rights analogous to those of other nations not more worthy, upon the miserable and most destructive plea, that their political servitude is necessary to the ecclesiastical order of the rest of the Roman communion. An instance most melancholy, because the interests of religion are thus represented as requiring, in a form the most unequal, civil degradation for their support; and because, alone among Christian states, the throne of the greatest Bishop of Christendom depends not on the will, the wisdom, the affections, or even the indifference, of the people, but is wholly and undisguisedly sustained, in despite of their aversion, and in constant fear of their resistance, by foreign arms.

64. But to pass to the rule from the exception, or rather the inversion, which perhaps confirms it. In every other country of Europe, the Church is still, even for spiritual purposes, in more or less of subordination to the State. I do not speak of the yet untested, and among us but imperfectly detailed, concessions to the Church in Austria,† of which we have but just heard. The law of Austria, as previously known, was one of stringent control. Even in France and in Belgium, where the Church has gained so greatly by revolutions, she is still under such control, in

* The reader will bear in mind the date of this Letter.

† [By the Concordat since abolished.—W. E. G., 1878.]

respect to that large portion of her work which is connected with the education of the young.

65. It may, indeed, be said, and with truth, that the principle of this control is admitted very generally by the Protestants of the Continent, while in the case of the Roman Catholics it is rendered necessary by their connection with a foreign see; but that as all such connection was cut off by the acts of the reign of Henry VIII., the Church, deprived of her alliances abroad, might have been left more free. I waive the question, on which much might be said, whether, as matters then stood, the abolition of the Papal jurisdiction was to the Church of England more *per se* a privation or a relief. But those who assume without question that her freedom need have caused to the civil power no just alarms, should remember what a powerful incorporation she was at the time.

66. As to property, she was possessed of a third part of the land of the kingdom.* As to learning, she alone directed the whole machinery of education. As to law, her ministers were an isolated, and for all the most important purposes, including that of taxation, a self-governing community. As to direct political power, her bishops and abbots were a numerical majority of the most important of the two Houses of Parliament. As to influence, her command over personal action by sacramental confession was such as would alone have sufficed for her security. Looking back to these and other facts, I for one cannot censure either those who asked, or those who agreed, that all the legislative proceedings of the Church should thenceforward be subject to the permission and sanction of the Crown; provided only they had reason to suppose that

* But see note on Par. 62.

the powers, which they then consented to recognise, were to be used towards the clergy and the Church, as it was the duty of the Crown to employ all other powers owned by the constitution; that is to say, in the spirit of general equity and justice, according to the paths of law and usage, and for the advantage of the subject.

67. Before leaving the question as to legislation for the Church, I would observe, that those who are arguing that the Church of England abandoned her office at the Reformation, and therefore has lost its authority, must, on every ground of right and reason, proceed *strictly*. It will not do to convict her of "constructive" treason, a doctrine leaving no defence to innocence against the bias of the judge. In her, as in every other body, the legislative was the highest power. Did she, or did she not, ever make a semblance of surrendering it? Only we must not answer this question by mixing up together all that belonged to the arbitrary character of the King, the confusion of the times, the real necessities of such times, the general tendency to heighten prerogative and restrain liberty, the claims of rival power, the high-flown ideas of prerogative lawyers; and then, out of all these jointly, filling up every gap with hostile inferences, piece together the members of a charge, not against the men, but against the institution of which they were the trustees.

68. Regarding, then, the case as it stands in evidence, I cannot find the slightest trace of anything, beyond control, given to the Crown, with respect to the enactment of Church canons. The Reformation statutes did not leave the Convocatian in the same position, relatively to the Crown, as the Parliament. It was under more control; but its inherent and independent power was even thereby more directly recognised. The King was not the

head of Convocation. It was not merely his Council. The Archbishop was its head, and summoned and prorogued it. It was not power, but leave, that this body had to seek from the Crown, in order to make canons. A canon without the royal assent was already a canon, though without the force of law; but a bill which has passed the two Houses is without force of any kind until that assent is given. Again, the royal assent is given to canons in the gross, to bills one by one; which well illustrates the difference between the control in the one case, and the actuating and moving power in the other.

69. But the language of those instruments respectively affords the clearest and the highest proof. In the Canons (Canon I.) we find the words, "We decree and ordain"; that is, we the members of the two Houses of Convocation. But in our laws, "Be it enacted by the King's most excellent Majesty, with the advice and consent of the Lords spiritual and temporal, and Commons." Whereas in the Canons the King does everything except enacting: with a remarkable accumulation of operative words he assents, ratifies, confirms, and establishes; propounds, publishes; and enjoins and commands to be kept.* Every one of these words recognises that the canon has a certain force of its own, while it purports to convey, and does convey, another force. In the one case the Crown is the fountain of the whole authority of the law; the Lords and Commons are its advisers. In the other case, the Convocation decrees and ordains; the King gives legal sanction and currency to that which, without such sanction, would have remained a simple appeal to conscience. In statutes, the King enacts, with the advice and assent

* Letters Patent, appended to the Canons of 1604.

of Parliament; in canons, the Convocation enacts, with the licence and assent of the Crown. I now speak not of what is desirable or otherwise, but simply of the matter of fact: from which it appears that the idea of a separate spiritual power for legislative purposes was much more carefully preserved (and with good reason) by the statutes of Henry VIII., than it had been when Church-law went forth, in the Capitularies of Charlemagne, or in the Code and Novels of Justinian, undistinguished as to the form of its authority from laws purely civil.

70. Let it be seriously considered whether, so far as the essence of the principles of the Church is concerned, there was any violation of them in this submission and promise of the clergy, more than in the *Placitum regium* which the See of Rome itself, with however bad a grace, has been obliged to endure, and which the whole Gallican Church, the most learned and illustrious of all the daughters of the Roman See, and with it the entire Cisalpine school, cordially received. This *Placitum*, says Van Espen, comes to exist in consideration of the necessary impact of ecclesiastical laws upon the civil rights and secular interests of men. It cannot be restricted to any particular class of subjects. It reaches even to those bulls of the Pope which are dogmatical. "*Ex hactenus dictis concluditur, placitum regium æquè requiri ante publicationem bullarum dogmaticarum, quam cæterorum rescriptorum.*" And he quotes an author, much more favourable than himself to the Papal power, who nevertheless holds it allowable;

"*Potestatem sæcularem mandare aut constituere, ut sine suo beneplacito et examine nemo pareat hujusmodi Litteris, vel executioni mandet easdem.*"*

* Van Espen, 'de Promulg. Leg. Eccles.' part V. cap. 2, sec. iv.

71. It seems to be becoming a fashion in France, not merely to disown Gallicanism, but to denounce it as a schism, and even as a heresy.* But the growth of that fashion, however it may tend to simplify the plea for the Roman Church, does so at the expense of history, and of the ultimate interests of all Christian belief; and in no way derogates from the real force of the precedents which the case of France affords, as they are applicable to the times of which we now treat.

72. But while, according to the letter and spirit of the law, these appear to be the limits of the royal supremacy in regard to the legislative, which is the highest, action of the Church, I do not deny that in other branches it goes farther; and will now assume that the supremacy "in all causes," which is at least a claim to control at every point the jurisdiction of the Church, may also be construed to mean as much as that the Crown is the ultimate source of jurisdiction of whatever kind.

73. Here, however, I must commence by stating, that, as it appears to me, Lord Coke and others attach to the very word "jurisdiction" a narrower sense than it bears in popular acceptation, or in the works of canonists; a sense which excludes altogether that of the canonists; and also a sense which appears to be the genuine and legitimate sense of the word in its first intention. Now, when we are endeavouring to appreciate the force and scope of the legal doctrine concerning ecclesiastical and spiritual jurisdiction, it is plain that we must take the term employed in the sense of our own law, and not in the different and derivative sense in which it has been

* [My reference is to the writings of Cormenin; but I cannot now cite the passage.—W. E. G., 1878.]

used by canonists and theologians. But canonists themselves bear witness to the distinction which I have now pointed out. The one kind is *Jurisdictio coactiva, propriè dicta, principibus data;* the other is *Jurisdictio impropriè dicta ac merè spiritualis, Ecclesiæ ejusque Episcopis a Christo data.** Nor was this distinction wholly lost sight of even in the reign of Henry VIII., as is evident from the Episcopal Commissions; and from a remarkable paper in Collier's Appendix, where we are told that the clergy of England have of the King "all manner of jurisdiction and goods; save only such mere spiritualties as were granted unto them by the Gospels and Holy Scriptures."†

74. Properly speaking, I submit that there is no such thing as jurisdiction in any private association of men, or anywhere else than under the authority of the State. *Jus* is the scheme of rights subsisting between men in the relations, not of all, but of civil society;‡ and *jurisdictio* is the authority to determine and enunciate those rights from time to time. Church authority, therefore, so long as it stands alone, is not in strictness of speech, or according to history, jurisdiction, because it is not essentially bound up with civil law.

75. But a time arrived when the State and the Church came to be united, by the conversion of nations, and the submission of the private conscience to Christianity, and when the Church placed her power of self-regulation under the guardianship of the State, while the State annexed its own potent sanctions to rules, which without

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* Van Espen, 'Deductio Juris et Facti,' cap. iii. vol. iv. p. 273, ed. 1753.

† Collier, ix. 165.

‡ "*Jus hominum situm est in generis humani societate.*"—Cic. Tusc. i. c. 26.

it would have been matter of mere private contract. Then *jus* or civil right soon found its way into the Church; and the respective interests and obligations of its various orders, and of the individuals composing them, were regulated by provisions forming part of the law of the land. Matter ecclesiastical or spiritual, moulded in the forms of civil law, became the proper subject of ecclesiastical or spiritual jurisdiction, properly so called.

76. Now inasmuch as laws are abstractions until they are put into execution, through the medium of executive and judicial authority, it is evident that the cogency of the reasons for welding together, so to speak, the civil and the ecclesiastical sanction, is much more full with regard to these latter branches of power than with regard to legislation.

77. There had been in the Church, from its first existence as a spiritual society, a right to govern, to decide, to adjudge for spiritual purposes; that was a true self-governing authority, but it was not properly jurisdiction. It naturally came to be included, or rather enfolded, in the term, when for many centuries the secular arm had been in habitual co-operation with the tribunals of the Church. The thing to be done, and the means by which it was done, were bound together; the authority, and the power, being always united in fact, were treated as an unity for the purposes of law. As the Potentate possessing not the head but the mouth or issue of a river, has a right to determine what shall pass to or from the sea, so the State, standing between an injunction of the Church and its execution, has a right to refer that execution wholly to its own authority.

78. There was not contained or implied in such a doctrine any denial of the original and proper authority

of the Church for its own self-government; or any assertion that it had passed to and become the property of the Crown. But that authority, though not in its source, yet in its exercise, had immersed itself in the forms of law; had invoked and obtained the aid of certain elements of external power, which belonged exclusively to the State, and for the right and just use of which the State had a separate and independent responsibility, so that it could not without breach of duty allow them to be parted from itself. It was therefore, I submit, an intelligible, and, under given circumstances, a warrantable scheme of action, according to which the State virtually said: Church decrees, taking the form of law, and obtaining their full and certain effect only in that form, can be executed only as law, and, while they are in process of being put into practice, can only be regarded as law; and therefore, the whole power of their execution, that is to say all jurisdiction in matter ecclesiastical and spiritual, must, according to the doctrine of law, proceed from the fountain-head of law, namely, from the Crown. In the last legal resort there can be but one origin for all which is to be done in societies of men by force of legal power; nor, if so, can doubt arise what that origin must be.

79. If you allege that the Church has a spiritual authority to regulate doctrine and discipline, still, as you choose to back that authority with the force of temporal law, and as the State is exclusively responsible for the use of that force, you must be content to fold up the authority of the Church in that exterior form, through which you desire it to take effect. From whatsoever source it may have come originally, it comes to the subject as law; it therefore comes to him from the fountain of law. He is not to ask, from whence it came to that

fountain: whether, like the temporal power, from God directly but indeterminately; or whether it came from Him indirectly but determinately; indirectly, as through the medium of the Church, but determinately, as cast in the mould of her Faith. The faith of Christendom has been received in England: the discipline of the Christian Church, cast into its local form, modified by statutes of the realm, and by the common law and prerogative, has from time immemorial been received in England; but we can view them only as law, although you may look further back to the divine and spiritual sanction, in virtue of which they acquired that social position, which made it expedient that they should associate with law, and should therefore become law.

80. This distinction is well expressed in one of the statutes of Henry VIII. with respect to the Papal privileges:

"This your Grace's realm, recognising no superiority under God but only your Grace, hath been and is free from subjection to any man's laws, but only to such as have been devised, made, and obtained within this realm, for the wealth of the same, or to such other as, by sufferance of your Grace and your progenitors, the people of this your realm have taken at their free liberty by their own consent to be used among them, and have bound themselves by long use and custom to the observance of the same, *not as to the observance* of laws of any foreign prince, potentate, or prelate, but as to the customed and ancient laws of this realm originally established as laws of the same, by the said sufferance, consents, and customs, and none otherwise."*

That is to say, the origin of the matter of the law might be one thing, and the aspect under which it was to be regarded as law was another.

* 25 Hen. VIII. c. 21, Preamble.

81. Nor was this principle, thus broadly laid down, without its proper safeguards; for it was in this very Act of Parliament that, while claiming for England an absolute control over the whole body of law, current or to be current in England, apart from any standing foreign authority, the Parliament inserted the very remarkable section, which imposes a certain limit on the interpretation of the Act, apparently for the purpose of introducing a solemn declaration of principle. It commences thus: -

"Provided always, that this Act, nor any thing or things therein contained, shall be hereafter interpreted or expounded that your Grace, your nobles and subjects, intend by the same to decline or vary from the congregation of Christ's Church in any things concerning the very articles of the Catholic faith of Christendom, or in any other things declared by Holy Scripture and the Word of God, necessary for your and their salvations, but only to make an ordinance by policies necessary and convenient to repress vice, and for good conservation of this realm in peace, unity, and tranquillity, from ravin and spoil, insuing much the old ancient customs of this realm in that behalf."*

82. In this Act, and in the old legislation of the time, the divine law seems to be taken for granted as something known to all, and never to be the subject of doubt or change. They no more thought of alteration in that respect, or of vindicating a jurisdiction over it, than we should so think with respect to the laws of arithmetic. In comparing that period with this, and in construing those laws, we should take into account the declining force and clearness of faith in objective, that is, in substantive, fixed, and independent truth. In these observations concerning the common legal doctrine about eccle-

* 25 Hen. VIII. c. 21, s. 19.

siastical jurisdiction, I have not strained, as I believe, the constitution of the country to suit a favoured purpose; nor, on the other hand, have I in admissions gone beyond the range of principles that have been held by high and established authorities, even within the Church of Rome.

83. I have suggested, that in asserting the Crown to be the source of ecclesiastical jurisdiction, we should not necessarily deny that original self-governing authority in the Church, which is so notorious in history that it the less requires to be guarded by verbal recognitions; but should leave the question entirely open, how and from what source that authority, or any part of it, came *to* the Crown. And this assertion I will support, by pointing out the existence of an exact parallel as regards secular jurisdiction. It is the unequivocal doctrine of the constitution, that the Sovereign is the fountain-head, in relation to the subject, not only of all executive and judicial power in civil matters, but of the power of legislation. But yet I apprehend it is open to any man to question, without offence, whether that power is derived *to* the Crown from the ordinance of God, or whether through the popular consent or delegation. In the one case there is nothing between the Crown and the Divine ordinance; which is the Erastian theory when applied to the Church, and, if taken in its native rigour, the theory of the Non-jurors as it affects the State. In the other case we may, as political speculatists, either rank with those who nakedly hold the popular sovereignty, or with those who choose a firmer and safer ground in the traditions of English history, and show from them, that according to the actual development of our constitution, the Crown had not only duties towards the nation, but duties founded on compact.

84. And in like manner, we may acknowledge the ecclesiastical jurisdiction of the Crown without in any degree disparaging the inherent self-governing capacities of the Church. We may give reasonable effect to the facts of Christian history, recording the foundation by our Lord Himself of a spiritual society—its endowment with the powers of teaching and self-government—its propagation through the countries of the earth—its succession through the centuries of history; and may regard the annexation of its spiritual authority, in any of its branches, to the civil power, as one of the many incidents of its varied but never-failing fortunes, an incident becoming, under a course of favourable circumstances, possible; useful, necessary; and then again, when the tide has turned, capable of a tendency to become inconvenient, or useless, or even immoral and destructive.

85. The other assertion, that this doctrine is one which has had high countenance among the most reasonable theologians of the Roman Church, I shall simply support by a quotation from Van Espen, which, when it was called in question, he explained by stating, agreeably to what I have already cited, that it referred to all jurisdiction properly so called.

"*Verum sicuti Ecclesiæ atque religionis curam crediderunt Principes Christiani ipsis Episcopis tanquam præcipuis ejus ministris, et Apostolorum successoribus, ita quoque ipsis correctionem eorum, quæ Ecclesiam et religionem, ejusque disciplinam spectant, detulerunt; præsertim tamen si quid, quod hanc turbaret, a clericis, seu inferioribus Ecclesiæ ministris, fieri contingeret.*"*

86. The real question, I apprehend, is this: when the Church assented to those great concessions which were

* Van Espen, 'Jus Eccl. Univ.' part iii. tit. iii. cap. 1.

embodied in our permanent law at the Reformation, had she adequate securities that the powers so conveyed would be exercised, upon the whole, with a due regard to the integrity of her faith, and of her office, which was and has ever been a part of that faith? I do not ask whether these securities were all on parchment or not—whether they were written or unwritten—whether they were in statute or common law, or in fixed usage, or in the spirit of the constitution and in the habits of the people; I ask the one vital question, whether, whatever they were in form, they were in substance sufficient?

87. The securities, which the Church had, were these: first, that the assembling of the Convocation was obviously necessary for the purposes of taxation; secondly, and mainly, that the very solemn and fundamental laws, by which the jurisdiction of the see of Rome was cut off, assigned to the spirituality of the realm the cares of matters spiritual, as distinctly and formally as to the temporalty the care of matters temporal: and that it was an understood principle, and (as it long continued) a regular usage of the constitution, that ecclesiastical laws should be administered by ecclesiastical judges. These were the securities on which the Church relied; on which she had a right to rely; and on which, for a long series of years, her reliance was justified by the results.

88. I shall now endeavour to support the representation which I have given of the legal doctrine concerning ecclesiastical jurisdiction by citations; and I shall refer chiefly to Lord Coke, because, as he was both a high prerogative lawyer, and of Erastian tendencies in regard to the Church, whatever can be proved from his mouth in her favour may be regarded as proven *à fortiori*; supporting, at the same time, my allegations as to the securities on

which the Church warrantably relied, by reference to the statutes of the period.

89. Lord Coke, then, appears to proceed most unequivocally upon these principles—and to proceed upon them, not as debatable matter, but as maxims placed beyond all doubt by the theory and practice of the constitution:

That all jurisdiction, as well ecclesiastical as temporal, proceeds from the Crown.*

That all the laws of the realm are the King's laws.

And all the courts of the kingdom the King's courts; and this whether their acts run in the King's name, or in the names of Bishops, lords of manor, or other subjects.

That the Church of England has no laws except such as are laws of the realm.

That all the laws of the realm affecting the Church are likewise laws of the Church.

That the 24 Hen. VIII. c. 12, is a great constitutional statute, distinctly marking out a province of ecclesiastical, and another province of civil, causes.

That the laws ecclesiastical are for the settlement of "causes of the law divine, or of spiritual learning."†

That the laws temporal are "for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil."‡

That the laws ecclesiastical are necessarily to be administered in ecclesiastical courts and by ecclesiastical judges: § as the laws temporal are "administered, adjudged, and executed by sundry judges and ministers

* See also Phillimore's 'Burn,' vol. ii. p. 51.
† 24 Hen. VIII. c. 12. ‡ *Ibid.*
§ Cawdrey's Case, p. lxxvii.

of the other part of the said body politic, called the temporalty: and both these authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other." *

That "the archbishops, bishops and their officers, deans, and other ministers which have spiritual jurisdiction," are "the King's judges" for ecclesiastical purposes."†

That the Convocation of the Clergy is a court of which "the jurisdiction is to deal with heresies and schisms, and other mere spiritual and ecclesiastical causes;" and "therein they did proceed *juxta legem divinam et canones sanctæ ecclesiæ.*"

That they did so before the Reformation, under the King's writ, often under his prohibition to meddle with civil matters; often, likewise, with his Commissioners present to take cognisance of all they might do; so that the Statute 25 Hen. VIII. cap. 19, requiring the royal assent to canons, "is but declaratory of the old common law."‡

That the purpose of the Reformation statutes, as understood and solemnly expressed by their framers, was to vindicate and restore to the Crown the ancient jurisdiction which it had enjoyed in previous times; and which ancient jurisdiction extended over all ecclesiastical and spiritual causes.§

90. With these principles Blackstone is in accordance; and in regard to heresy in particular, while he states that

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* Quoted in the Institutes, vol. vi. part iv. ch. 74.

† *Ibid.* ‡ *Ibid.*

§ These propositions are chiefly taken from the Institutes. Matter of the same nature will be found in the Report of Cawdrey's Case, particularly at pp. xxvi. xxviii. xxxvi.–ix. xlvii. l. lv.–viii. lxii. lxxvi. lxxvii.

the crime might be more strictly defined, and that nothing should be prosecuted as heretical until it has been so declared by proper authority, he also avows that "under these restrictions, it seems necessary for the support of the national religion that the officers of the Church should have power to censure heretics." *

91. The jurisdiction of Convocation as a court for the trial of heresy was asserted in 1711 by the twelve judges and the law-officers of the crown; and all of these, except four judges, considered this to be a jurisdiction over the persons as well as over the tenets of the offenders.†

92. If such be the view of the expositors of the law, let us turn now to the law itself.

The citations I shall make will be for the establishment mainly of these two positions:

First, that all which the civil power claimed, and consequently is entitled to claim, and the Reformation statutes, was the restoration of the ancient rights of the Crown.

Secondly, that the administration of the ecclesiastical laws would, according to the terms, as well as the spirit, of those statutes, be placed in the hands of ecclesiastical judges.

93. (I.) It is well to commence with the Act of the 1st of Elizabeth, c. 1, because it is even to this day the charter of the Constitution in reference to the subject-matter.

Title.—"An Act to restore to the Crown the ancient jurisdiction over the Estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same."

* Vol. iii. p. 49.

† Opinion of the Judges, reprinted from Whiston. Parker, 1850.

Preamble.—"In time of the reign of your most dear father, of worthy memory, King Henry the Eighth, divers good laws and statutes were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this your realm, and other your Highness's dominions and countries, as also for the restoring and uniting to the imperial Crown of this realm the ancient jurisdictions, authorities, superiorities, and pre-eminences to the same of right belonging or appertaining."

Sect. 2 repeals 1 & 2 Ph. and M. c. 8, "for the repressing of the said usurped foreign power, and the restoring of the rights, jurisdictions, and pre-eminences appertaining to the imperial Crown of this your realm."

And sect. 17 provides that "such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial Crown of this realm."

94. The language of this Act was in entire conformity with that of the Acts of Henry VIII.:

With the preamble of the great statute for the restraint of appeals which is set lower down:

And, so far as it goes, with the 37 Henry VIII. cap. 17, now repealed, which declares that "your most royal Majesty is and hath always justly been, by the word of God, supreme head in earth of the Church of England."

But the Act of Elizabeth stops short of the enactments of Henry VIII., and, as we know, advisedly.*

* Since 1850, this proposition has been vividly illustrated in Mr. Froude's 'History of the Reign of Queen Elizabeth.' (Note in 1877.)

Reference has already been made to the oath contained in the Act, and to the legislative construction which has been put upon it.

95. (II.) The preamble of the great Statute of Appeals* (1532) is full and conclusive on both points which are under our consideration, and, long as it is, it deserves the most careful perusal and consideration. It is as follows:—

"Where by divers sundry old authorities, histories, and chronicles it is manifestly declared and expressed that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same:*

"Unto whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spiritualty and temporalty, been bounden and owen to bear, next to God, a natural and humble obedience:

"He being also institute and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction, to render and yield justice and final determination to all manner of folk, resiants, or subjects within this his realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint or provocation to any foreign princes or potentates of the world:

"The body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared interpreted, and showed, by that part of the said body politic called the spiritualty, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such

* 24 Hen. VIII. c. 12.

doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain:

"For the due administration whereof, and to keep them from corruption and sinister affection, the king's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church both with honour and possessions:

"And the law temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed, by sundry judges and ministers of the other part of the said body politic, called the temporalty:

"And both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other."

The second section proceeds to recite that laws had been made at divers times to preserve the independence of the Crown and its "jurisdiction spiritual and temporal," but that more were required.

96. In this most remarkable and perhaps unparalleled preamble we are to observe set forth in the most formal manner:

1. The assertion of the ancient independence of the realm of England.
2. Of the division of the nation into clergy or the spiritualty, and laity or the temporalty.
3. Of the supremacy of the Crown, in all causes whatsoever, over both.
4. Of the authority, fitness, and usage of the spiritualty to administer the laws spiritual.
5. Of its endowment for that very end.
6. Of the parallel authority, fitness, and usage of the temporalty to administer the laws temporal, which are defined to be for temporal ends.
7. Of the alliance between these two jurisdictions.

97. But will it be said that, though the language

of this important statute asserted the principle that Church laws should be administered by Church officers, yet subsequent laws completely altered the case; and while, according to the first, appeals terminated with the archbishop, according to the latter they went on to the King, and power was also given to the Crown, in the 1st of Elizabeth, to redress abuses by the instrumentality of any persons being natural born subjects?

The answer surely is that the construction of those enactments was fixed by known usage in a manner perfectly accordant to the preamble of the 24 Henry VIII. c. 12: that such usage was as imperatively required by the spirit of the constitution, as that the Crown should appoint for its judges in the temporal courts, men learned in the law; and that the ground of this usage is fully and constantly recognised by the principle of the lawyers that there must be Ecclesiastical Courts to administer the laws of the Church, and by the practice which prevailed for many generations after the passing of these statutes.

98. I shall produce two more testimonies from the reign of Henry VIII.

The first is the title of an Act of Parliament since repealed, and therefore only of use to show the intention of the time. It is the 32 Henry VIII. c. 26, and runs thus:*

"All decrees and ordinances which, according to God's word and Christ's Gospel, by the King's advice and confirmation by his Letters Patents, shall be made and ordained by the archbishops, bishops, and doctors appointed, or to be appointed, in and upon the matter of Christian religion and Christian faith, and the lawful rights,† ceremonies, and observations of the same, shall be in every

* The title of 32 Hen. VIII. c. 15 has a similar effect.

† Rites?

point thereof believed, obeyed, and performed, to all intents and purposes, upon the pains therein comprised. Provided that nothing shall be ordained or devised which shall be repugnant to the laws and statutes of this realm."

The object is to give the force of law to canons of the Church not contrary to the law of the land; but the Act clearly shows that it was presumed, at the date of its passing, that such laws would be made* only by the bishops and learned clergy.†

99. We have another remarkable attestation of the intention and engagement of the State, that the laws of the Church should be administered by ecclesiastical judges, afforded by the Act 37 Henry VIII. c. 17.

Its object is to render lawful the exercise of ecclesiastical jurisdiction by doctors in civil law, if appointed to the office of chancellor, vicar-general, commissary, official, scribe, or registrar, being either lay or married persons; and its terms are strictly confined to such doctors, who were by their profession members of the Church, and students and teachers of her jurisprudence.

100. It recites that, though any canons forbidding such persons to exercise ecclesiastical jurisdiction had been abolished, yet the bishops and other spiritual persons acted at that date (1545) as if the disqualification had been still in force.

And it proceeds to enact—

"That all and singular persons, as well lay as those that be now married or hereafter shall be married, being doctors of the civil law . . . . which shall be made . . . . to be any chancellor, vicar-

* *Made*, *i.e.* framed. (Note in 1877.)

† I cannot positively say whether the word 'doctors" may no include lay civilians. (Note in 1877.)

general, commissary, official, scribe, or register . . . . may lawfully execute and exercise all manner of jurisdiction commonly called ecclesiastical jurisdiction, and all censures and coercions appertaining or in anywise belonging unto the same, albeit such person or persons be lay, married or unmarried, so that they be doctors of the civil law, as is aforesaid."

Thus it appears (1), that up to the year 1545, all ecclesiastical jurisdiction—notwithstanding the appointment of Cromwell—was commonly exercised by the clergy alone: (2), that an Act was thought necessary to legalise the exercise of it in any form by laymen: (3), that those laymen were to be none other than doctors of civil law.

It appears indeed that the statute has been construed, notwithstanding the repeated words of limitation, as ennabling all persons to hold the recited offices; and that such a construction is regarded with some wonder, as surely it well may be.*

101. To show the intention of the ruling powers during the subsequent reign, as to the final disposal of ecclesiastical causes—apparently of all causes so called, whether purely spiritual or not—we may well refer to the *Reformatio Legum*, which says, speaking of appealed causes brought into Chancery, "*Quo cum fuerit causa devoluta, eam vel concilio provinciali definiri volumus, si gravis sit causa, vel a tribus quatuorve episcopis, a nobis ad id constituendis.*" † Thus the very same document, which carries to the highest point the assertion of the royal supremacy,‡ distinctly assigns to the bishops the exercise, in the King's name, of the appellate jurisdiction.

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* Stephens's 'Eccl. Stat.' i. p. 289 n.

† *Ibid.* i. 152 n. ‡ See p. 11.

102. These citations from the most conclusive sources, during the reigns of Henry VIII. and Edward VI., may probably suffice; because it will generally be admitted that what is true of those reigns in favour of the spiritualty, is true *à fortiori* respecting the times of the sovereigns who succeeded.

103. In the first High Commission of Queen Elizabeth, of which the exact composition, I understand, is not on record, there must perforce have been a deviation from the principle, because, as Lord Coke observes, it was appointed for a special purpose, and by way of exception, namely, to rid the Church of those bishops who would not take the oath of supremacy in conformity with the proceedings founded on the Acts of Convocation under Henry VIII.; acts which had never been canonically reversed.

104. It would be easy, I apprehend, to show that until about the accession of the House of Hanover, that is to say for nearly two centuries, these two great rules of the policy of the English Reformation were observed with substantial fidelity:

(1). That the Convocation should be the instrument of objection for the doctrine of the Church.

(2). That the ecclesiastical law should be administered by ecclesiastical judges.

105. In truth it is not enough to call these rules of policy; for as, to the State, they were constitutional principles, so to the Church they were solemn engagements. Both of them are covered by the preamble of the great Statute of Appeals, and the words of that preamble amount to a solemn engagement. Although in form there can be no contract between the legislative power and any person or body in the State, yet no words of promise

could bind an individual more sacredly than the words of that preamble, declaring the spiritualty to be the fit and established instrument for administering Church law, should have bound the State: and when the State makes laws deeply affecting any subject body, and sets forth as the conditions and grounds of them matter in which that subject body has an interest, such body has a moral claim to hold the State to its own spontaneous and, in this case, very formal and deliberate declaration.

106. That the concessions, which have been described as made by the Church in the sixteenth century, were large, is unquestionable. That they had their dangers is a proposition, which only places them in the same category with all former and all subsequent adjustments of the same great and most difficult problem. That they were unwarrantable may be the case, but our history until now has not placed it beyond doubt. That they deserved the severe and unmeasured condemnation which some have pronounced upon them, is, in my view, very far indeed from being the case.

107. It is an utter mistake to suppose that the recognition of the royal supremacy in matters ecclesiastical, established in the Church a despotic power. The monarchy of England had been from early times a free monarchy. The idea of law was altogether paramount, in this happy constitution, to that of any personal will. Nothing could be more complete than the recognition of the Sovereign as the source both of legislative and of judicial authority for the exigencies of the passing day; but it was the felicity of this country that its people did not regard the labours of their forefathers as nought. In such manner they realised the inheritance they had received from preceding generations, that at all times what was to be done

was with them secondary, and what had been done primary; and the highest works of the actual legislator always aimed at the vindication and re-establishment of the labours and acquisitions of those who had preceded him. Here lay the grand cause of the success of our English revolutions, that the people never rent the web of history, but repaired its rents; never interposed a chasm between, never separated, the national life of the present and that of the past, but even when they seemed most violently to alter the momentary, always aimed at recovering the general, direction of their career. Thus everybody knew that there were laws superior to the Sovereign, and liberties which he could not infringe; that he was King in order to be the guardian of those laws and liberties, and to direct both the legislative and all other governing powers in the spirit which they breathed, and within the lines which they marked out for him.

108. A spirit of trust and confidence almost unbounded then was, and still is, the spirit of the British constitution. Even now, after three centuries of progress towards democratic sway, the Crown has prerogatives, by acting upon which within their strict and unquestioned bounds it might at any time throw the country into confusion. And so has each House of Parliament. Why is this the case? Because it is impossible to tie down by literal enactments the sovereign power in a State, since by virtue of its sovereignty it can get rid of the limitations imposed upon it, however strict may be their letter. Yet if that sovereign power be well advised, if the different elements of the social body be duly represented and organised, there arises out of their wise adjustment a system of balance and limitation infinitely more effective than any mere statutory bonds. So it has been in the

State of England; so, it might well be hoped, three hundred years ago, that it would be with the Church.

109. At the same time we must discriminate and set aside that which belongs to the political character and bent of the particular period of the Tudor sovereigns, and especially to that of Henry VIII. It is not to be denied that all liberty was in danger then; and Church liberty among the rest. If we wonder at the clergy who promised to make no law but with the King's prior and posterior consent, what shall we say of the Parliament which gave by statute the force of the law to the King's proclamation? The excess in the exercise of royal power over the Church during the sixteenth century is probably due to the absolutism of the period, more than to its Erastian tendencies.

110. The trust reposed by the constitution in the King with respect to civil purposes was this; that he would commonly act in the spirit of the constitution, and would avail himself of the best assistance which the country might afford for ascertaining, fostering, and upholding that spirit, and for dealing according to its dictates with public exigencies as they should arise. And this trust was a trust not speculative only, but accompanied with practical safeguards. They were these in particular; that for making laws the Sovereign must act with the advice and consent of the Estates of the realm; and that, for administering them, he would act by and through the persons who had made the laws the study and business of their life, and who would be best able to interpret them according to their own general spirit, and to the analogies which that spirit supplied, as well as to the mere precedents which its history afforded. I speak of the constitutional system, which was in course of being gradually

elaborated and matured in England. Its essential features had for many generations exercised a marked influence over the fortunes of the country, and in time they attained such a ripeness, as to place both our legislative and judicial systems beyond the reach of the arbitrary will, or the personal caprice, of Sovereigns.

111. Now, I say, that the intention of the Reformation, taken generally, was to place our religious liberties on a footing analogous to that on which our civil liberties had long stood. A supremacy of power in making and in administering Church law as well as State law was to vest in the Sovereign: but in making Church law he was to ratify the acts of the Church herself, represented in Convocation, and if there were need of the highest civil sanctions, then to have the aid of Parliament also. In administering Church law, he was to discharge this function through the medium of Bishops and divines, canonists and civilians, as her own most fully authorised, best-instructed sons, following in each case the analogy of his ordinary procedure as head of the State.

112. The Church had this great and special security on which to rely, that the Sovereigns of the country were, for a century, after the Reformation, among her best-instructed and even in some instances her most devoted children; that all who made up the governing body (with an insignificant exception) owed personal allegiance to her, and that she might well rest on that personal allegiance as warranting beforehand the expectation, which after experience made good, that the office of the State towards her would be discharged in a friendly and kindly spirit, and that the principles of constitutional law and civil order would not be strained against her, but fairly and fully applied in her behalf.

113. I do not mean that the Crown was legally compellable to convoke Parliaments, or to appoint persons of legal proficiency to be judges. But without Parliaments it could not make laws, and by fixed practice, as well as according to common reason, the laws were administered by those to whom they were a profession, and who were best versed in them. With the same theoretical laxity, and practical security, was provision made for the conduct of Church affairs. With regard to certain violent exertions of State power over the Church during the reigns of Henry VIII. and Edward VI., and again during the reign not less of Mary than of Elizabeth, it is not reasonable to take these as the measure of the intention of the State in the legal provisions it had made for settling its relations with the Church, any more than Magna Charta will bear to be construed by the administrations of the Sovereigns, who bore sway shortly after its enactment.

114. For, as defective social order permitted constant infringements of the last-named law, so the extreme of political necessity compelled the State to go beyond the spirit of the ecclesiastical settlement. When armed force was commonly employed to determine religious differences: when the spiritual affairs of one country were liable to be taken in hand by the military power of another: when the Pope wielded the temporal as well as the spiritual sword, and claimed and exercised the anti-social, if not anti-christian, prerogative of deposing Sovereigns for renouncing his obedience—then England was really in the condition of a beleaguered city; and the Crown was warranted and bound to settle many matters pertaining to the regimen of the Church by a kind of martial law; by stretches of power, that in regular times would have been

intolerable, and that with regular times were disused. Yet, after all, no one of them perhaps went so far as the *Interim* of Charles V.

115. However unconstitutional may have been the Court of High Commission, however inadequate to such questions as the trial of doctrine the Court of Delegates, that which we are now examining, namely, the essential freedom of the Church in her own most sacred functions, was on the one hand secured, while on the other hand harmony was maintained in her relations with the State. And the essence of the whole arrangement was this: that the power of the Church to make laws was retained, but subjected to the consent of the Crown; the administration of Church law was placed under the guardianship of the Crown, in a confidence, not disappointed through the succession of many generations, that her own Bishops, divines, and canonists would be the persons appointed to discharge her judicial functions.

Upon comparing, in the abstract, the concessions of the Parliament and the Convocation respectively to Henry VIII., we may find reason to think that while both were great, the former were the larger of the two. Yet, practically, there was this great difference the other way. The concessions of the Church were all held fast; and, after a time, she found that she had neither strength to recover them, nor to retain her hold of the compensating conditions under which they were made. The Parliament, on the contrary, gaining energy from generation to generation, has not only taken back what it then unduly yielded, but has acquired exclusively the ultimate possession of the supreme power in the State.

116. Looking back upon those times in the light of the experience which three hundred years of eventful history

have supplied, we are led to palliate the subserviency of the Parliaments of Henry VIII., and to form an exaggerated idea of that of his clergy. It is probably because we measure their acts by remote and at the time unimagined results. But if we place ourselves in the position of the men of that day, we may arrive at a different view. For, at that epoch, there was no clear indication of the coming triumphs of popular freedom. Nor was it perhaps over-sanguine, as matters then stood, to believe that the Ecclesiastical Estate, if it could keep united, would be strong enough to secure the permanence of its liberties. And it was united, we must remember, at the time when these things were done.

117. Obviously it is not by a mere comparison between Ecclesiastical and Parliamentary subserviency that the question of right and wrong can be determined; but it has become a fashion among us unhesitatingly to consign to infamy the Convocations of Henry VIII. without an examination of their case, so that they are under sentence, as it were, of historical outlawry. It seems, therefore, well to throw those lights upon their conduct which a reference to particulars may supply: and there is no part of our history, in which it is more important to us that we should arrive at a just appreciation of the facts.

118. But it is also important to observe with regard to the point which seems to be most pressed in controversy against the Church of England as fatal to her liberties, namely, the surrender of her own discretion in the exercise of legislative and judicial power, that we are ecclesiastically in strict analogy with our political condition. *Now*, indeed, we are secured, in the civil sphere, by the modern principle of ministerial responsibility. But before the date of this principle our forefathers

held by the very same tenure their condition as citizens and as Churchmen respectively. And the same argument which would prove the slavery of the Church, would also prove that they had no political liberties; which is absurd.

119. I am led to feel the importance of these remarks partly by the astounding view of the British constitution which I find in an article in the *Dublin Review*, ascribed to the ablest polemical writer of the Roman Catholic communion of this country:

"If the Queen is really the supreme head of the Church, or if she is a power in it with appellate jurisdiction (and as she has spoken and pronounced sentence in the 'Gorham Case,' we do not see what right of interference there is in any one, in regard to the counsellors or judicial sifters of the cause whom she may select and appoint), she, and she alone, is responsible for this.

"It may be objected that her Majesty did not choose them, but that they were appointed by Act of Parliament. Be it so. But by whom is an Act of Parliament enacted but 'By the Queen's most excellent Majesty, by the advice and consent of the Lords Spiritual and Temporal, and Commons'? The constitution, therefore, of the council is the Queen's, or her predecessor's, for the sovereign has the means of resisting a violence to his conscience."*

When a writer is possessed with such wild ideas as to the function of her Majesty in the British constitution as would make rather better sense if read backwards, we need neither be astonished, nor grieved on our own account, at any conclusions at which he may arrive respecting the Church in its relations to that constitution.

120. Nothing is more clearly essential to any just estimate of the position of the Church under the royal supremacy than a proper view of the essential conditions that fix the general position and office of the Crown.

We must recollect that the theory of monarchy,

* *Dublin Review*, March 1850, pp. 256, 257.

according to the law of England, had its historical basis of fact in the free Anglo-Saxon constitution; which ran back even to the usages of the German tribes, such as Tacitus has described them. Upon this there supervened, with the Conquest and its results, that idea of royal power which represented it as in itself absolute and perfect, yet did not repel the notion, that it came originally from popular delegation; and even referred this perfection, not to an ideal source or standard, but to the fact that all the powers of the Roman Commonwealth—of senate, consul, prætor, tribune, general—had been conveyed to, and concentrated in, the person of the Emperor. To these again was added the doctrine of the Church, which asserts the Divine origin and sanction of the power of governing. This doctrine, which found governing power *de facto* in the hands of kings, naturally grew into the notion of what is called Divine hereditary right, especially when the abolition of the Roman jurisdiction had removed the influence of a power whose interest it was to appear as standing between Heaven and the King, and therefore to keep the question open as to the precise nature and limits of the sanction, that regal authority derived from Divine ordinance.

121. From the joint result of these influences, ancient and recent, the idea of the King in the sixteenth and seventeenth centuries had mounted up, in the contemplation of law, even to ideal perfection. The very strongest proofs of it, not only that can be cited, but even, as it seems to me, that can be conceived, are to be found in our having inherited from those times (not from the period when monarchs were formally coerced like John, or solemnly deposed like Edward II. and Richard II.), the doctrine that the King can do no

wrong; and in the fact that the Parliament of Charles I. found itself obliged, by duty or by policy, or both, to make war against the King under the formal assumption of its own name and authority for its acts.*

122. But this ascription of an ideal perfection to the Sovereign did not imply that, either in law or in practice, he was free to lay his hands on whom, or on what, he pleased. The ancient idea of compact had never been extinguished; and upon an adequate occasion, namely, at the Revolution, it was reanimated, in terms indeed open to dispute, but in substance with a solemnity and weight of sanction which it has never lost. Now this great and fundamental idea of compact, if it applies to individual subjects, applies also yet more formally to the Estates of the realm, and involves more than the mere personal conduct of the Sovereign. If the tenure of the throne itself depends upon the observance of a compact, much more does every other relation that binds together the several component parts of the body politic, in its several orders and degrees of men, as spiritualty and temporalty.

123. The forefathers of Englishmen, however, had other and readier securities, besides this great *arcanum imperii*, reserved then, and always to be reserved, for the very last resort. It is a well-established principle that the Sovereign cannot administer justice in his own person, unless authorised to do so, as any officer of State might be, by statute. "Edward I. frequently sat in the Court of King's Bench; and in later times James I. is said to have sat there in person, but was informed by his judges that he could not deliver an opinion."† And "it is now

* See also Allen on the Prerogative, pp. 82, 83.

† Blackstone, iii. p. 41 n.

an undisputed principle that, though the King should be present in a court of justice, he is not empowered to determine any cause or motion but by the mouth of his judges, to whom he has committed his whole judicial authority."* The doctrine of this passage is, I believe, that of the great legal authorities. Thus while the immense latitude of nominal prerogative was overshadowed on the one side by the superiority of the combined legislature, it was on the other side barred from arbitrary excess by the necessity of operating, in the Courts, through responsible instruments. The ideal or legal monarch was invested with these high attributes, while the living one was on almost all sides limited by law; in order that the actual authority, under which the work of government is carried on throughout the country in its details might be one and undivided, revered and resistless.

124. Those who compare the history of the English Church since the Reformation with the history of the Catholic or of the Western Church respectively, in and from the times of Constantine, Justinian, and Charlemagne, may treat with ridicule the hypothesis that the aim of the English Church under Henry VIII. was to reproduce essentially the same basis of the relations between Church and State, as existed during the reigns of those Emperors. And yet, after due allowance is made for new disturbing forces, we may find reason to think that there was some essential resemblance between that which men of the sixteenth century imitated, and that which they constructed and bequeathed. They lived in times, when corruption had eaten so deeply into the framework of the Christian Church, as almost to menace its existence; and

* Allen on the Prerogative, p. 93.

when a movement in favour of Reform, so violent as to convulse society and to set in motion forces which have already disorganised large portions of the Church, and removed entire communities from the faith, was nevertheless in all probability the actual means, and perhaps the only possible means, of rousing and of saving Christendom.

125. There were also impending vital changes in the constitution and order of civil society. The downfall of despotism was in preparation; the seat of power was about to be shifted from the hands of a very few to those of large and numerous classes: what the Crown possessed was about to pass into the hands of Parliament. All these changes, beginning or about to begin, were to subject the ecclesiastical relations fixed in the sixteenth century to trials far more severe than the mere brute forces of disorder and imperfect civilisation, against which alone the laws of Justinian or of Charlemagne had had to contend.

126. The headstrong wilfulness of Henry VIII., and the minority of Edward VI., would have made those periods unsafe as repositories of precedents, even had the course of our traditions from thence never been legally interrupted. But the reign of Mary swept away the laws of the two former princes; and our direct concern with them is of course limited to such as were re-enacted under Elizabeth. Now it may be asserted without fear of confutation, that from the accession of that Princess, notwithstanding the arbitrary notions of three successive Sovereigns, the government of the Church was practically in the hands of its spiritual rulers, and pre-eminently in the hands of those among them, who were the most deeply imbued with the spirit of its laws. With due allowance

in every sense for the times, that high office of foster-parent, which our Sovereigns had assumed, was not ill discharged until the period of the Great Rebellion.

127. Although the personal characters of the Sovereigns, from the Restoration down to the accession of the House of Hanover, with the exception of Queen Anne, were of a different stamp in regard to their affections towards the Church, yet throughout the whole of that period her essential liberties were respected, except when they were assailed in common, and were also in common vindicated, with those of the State. Her Synod was summoned when it was requisite to treat of matters touching her doctrine and constitution; the ordinary administration of her laws was conducted in her Courts and by appropriate instruments.

128. And whatever may be said of the gross injustice of the sheer suppression of Convocation, that most eminent example of tyranny, or the law of the strongest, acting under constitutional forms—of its political convenience or necessity, or of the frightful moral evils, and utter dissolution of ecclesiastical discipline, to which it led the way —thus much at least appears, that if her legislative organ has remained in abeyance, the power it should have handled has been likewise dormant, and it has not been exercised for her, even to the present day, so far as doctrine is concerned, by the temporal authority. Her exterior discipline, indeed, simultaneously with the decline of religion in the country, was crippled in very important points by the State, as of late, on the other hand, there have been some small efforts to improve it. As to judicial questions, which are now more immediately before us, so long as the Court of Delegates remained, it was a witness by its constitution to the ancient principle

that the ecclesiastical laws were to be administered by ecclesiastical judges. Although it had been progressively altered in its composition since the 32 Henry VIII., first by the admission of civilians, then by the dropping out of divines, and further by the introduction of common law judges, yet to the last it was composed in the main of ecclesiastical lawyers.

129. When, therefore, we review our Church history from the time of the rupture with Rome, let us endeavour to take a candid and dispassionate estimate of that to which the Church of England is committed, of the conditions under which she is committed to it, and of that to which she is not committed at all. She is most formally committed to placing the enactment of canons under the restraint of prior permission and posterior confirmation by the Crown; but by a Crown of which the wearer is able to act for himself, and not through the medium, or under the control, of ministers, virtually chosen by a majority in a Parliament of mixed belief; by a Crown, of which the wearer had been wont to consult the synods of the Church, and gave not only the strongest possible indication of his intention, but likewise the most solemn and formal promise of which the case admitted, to do so thereafter. For it embodied in the preamble of a great Statute the formal declaration, that the spiritualty of England, with its own constitutional organisation, was entirely competent to deal with all matters of ecclesiastical legislation, and was accustomed so to do, just as the temporalty dealt with questions of temporal right.

130. Again, she is committed to the exercise of all jurisdiction, for her own purposes, subject to the authorisation of the Sovereign. But this was to be a Sovereign in her communion, and one having no political relation to

maintain of a kind which would impair the freedom of his personal conscience as a member of that communion, would impose upon him the duty, or supposed duty, of maintaining a spiritual relation with other communions, or would reduce, in fact, to neutrality, or a moral zero, that sonship to the Church, for which a king has shed his blood upon the scaffold. This Sovereign was the head of a civil government, all whose component members owed to that Church spiritual allegiance. Lastly, he was a Sovereign whose obvious duty it then was to be the guardian of the religious as well and as much as of the civil liberties of the subject, and to provide in the same rational manner for each respectively; namely, by taking care that the laws affecting each should be administered, so far as might depend upon his royal choice, by the persons best acquainted with their tenour and most deeply imbued with their spirit.

131. But of Courts of Appeal, not composed of such persons, appointed by Parliamentary majorities, and assented to by the Sovereign on the advice of ministers, whom those majorities had constrained him to accept, the Church* knows nothing: and this whether such courts be nominally composed of her members or not, except that if they chance not to be so composed, the evils of such a system, in either case intolerable, are only rendered not perhaps the more real, but only the more glaring. Of the permanent suspension of her legislative organ, on pretence of its defectiveness, but without any attempt to amend it, the Church knows nothing—that is, knows nothing in the way of acquiescence or approval, though

* That is to say, by her Reformation compact knows nothing. (Note in 1877.)

she knows more than enough, and to her cost, in the deep practical abuses and corruptions, the stagnation of religious life, and the loss of command over her work, and over the heart of the nation, which it brought upon her.

132. As to the mere doctrine of prerogative, as a repository of vague and undefined powers over spiritual things, out of which they are to be produced, as may suit occasion, to overrule, by the help of some shadowy "doubt," the plain meaning of statutes, or to browbeat the most temperate assertions of religious freedom for the members of the Church, such a doctrine deserves no more respect at the hands of Englishmen than the twin doctrine respecting things temporal that was in vogue during the seventeenth century, but has long since been consigned to oblivion or to shame. Over a weaker subject, it still sometimes utters its indecent vaunts.

133. If it be said these things have been done and the Church has not remonstrated, the answer is, that care has been taken, by suspending her legitimate assembly, to make general and formal remonstrance a measure of such difficulty, and therefore of such gravity, that it might naturally be regarded as the almost immediate antecedent of separation. Matters are already at a formidable pass, when great constitutional and public organs come to remonstrate before the world with one another. When the Parliament remonstrated with Charles I., the hand that guided the pen was ready to brandish the sword. Nothing but extremities would justify such remonstrances, as would alone have fully met the case; and to such extremities the question had not yet come. It was not destruction, but danger—danger smiling and decked with flowers, into which she was thus brought.

134. Neither was it any one single act against which

she was called to remonstrate; it is a long and intricate series of changes, most of them affecting directly not herself, but other great constitutional organs, whose action in turn tells upon her state, and the cumulative effect of which has been to bring her out of the sphere of orderly and regulated freedom, too near to the verge, in spiritual things, of unredeemed and abject servitude. Nor does the victim of oppression lose his title to remonstrate when the cup has at length overflowed, because it may be shown that he was entitled to complain before the swelling mass had reached the brim.

135. Further, let it be owned that, in speaking thus of the Church, we speak of that sacred and unworldly spirit in her, which ever conforms to the Spirit of her Lord, which is grieved with all that grieves Him, and draws delight only from that wherewith He is pleased. The State has used the Church's heart and soul thus ill, stopping up the avenues of spiritual life, warmth, and motion; restricting, enfeebling, and corrupting it. But to the body of the Church, to the concrete mass of good and bad, to the multitude of carnal-minded rulers and teachers, whom it for a long period of time continued to thrust into her offices—to the Church, as an institution endowed with the goods and privileged by the laws of this world, the State has not been in its own sense unkind. It has treated her in the way in which Wordsworth's noble Ode represents the Earth as treating man, the spiritual denizen of her domain:

> "With something of a mother's mind
> The homely nurse doth all she can
> To make her foster child, her inmate man,
> Forget the glories he hath known,
> And that imperial palace whence he came."

136. Even so the State has guarded with no small rigour—at least, until a very recent period—not the property alone, but the honours, and not the real only, but the imagined privileges and securities of the Church. She has been plied with indulgences that have enervated her vigour; she has been carried in the arms of power, and has forgotten to tread with her own feet her own narrow upward way. She has seen men debarred of their civil rights and privileges, because any law conferring them would also confer upon them an influence over her fit only to be exercised by her members; and she learned with ease, and long retained, and even yet has but half unlearned, the baleful lesson, that taught her to rely on these spurious aids; to accept these illusory, and even at length unjust, compensations for the silent decay and eventual overthrow of her natural defences. Anticipating extremes which have not arrived, men already say the blandishments of Delilah have lulled her into soft repose; she awakes at the clank of her fetters, and she finds that the lock of her strength is shorn.

137. Considering, however, what upon the whole England has been for the last three hundred years, and what share the Church has had in making England such; what place she holds in the mind of the country and in Christendom; what she has done for the religion, and what for the civilisation of mankind; how she has carried down her life, and the unimpaired deposit of the faith, through so many ages of subtle and varied trial to the present day; what promise she now exhibits that she may yet, and soon, valiantly contend for the Gospel against its adversaries, on behalf of Christendom and the faith of Christendom at large, and not only for her own children in her own border—I for one cannot take part with those, who

say that the English Reformers betrayed their trust. I cannot think that, after due allowance made for human infirmity, their work has been wholly condemned by its results. I cannot express a preference over the alternative they chose, for any among the alternatives they rejected; such as reattaching the Church of England to the Roman obedience; reconstituting it after the Presbyterian platform; or parcelling it out by the scheme of Independency.

[138. But neither can it be admitted that if the justification of the Reformers is to rest on such grounds as the foregoing, their reputation can owe thanks to those who would now persuade the Church to acquiesce in a disgraceful servitude, and to surrender to the organs of the secular power the solemn charge which she has received from Christ, to feed His sheep and His lambs; for the real feeder of those sheep, and those lambs, is the power that determines the doctrine with which they shall be fed, whether that determination shall profess to be drawn straight from the depths of the mine of revealed truth, or whether it shall assume the more dangerous and seductive title of construction only; of a licence of construction which disclaims the creation, the declaration, or the decision of doctrine, but which simultaneously with that disclaimer has marked out for itself a range of discretion which has already enabled it to cancel all binding power in one of the articles of the faith, and will hereafter as certainly enable it to cancel the binding power of all those which the first fell swoop has failed to touch. No.]

Let us vindicate the Reformers by showing that we believe their conduct to have been guided by reasons which existed for them, though they no longer exist for

us; and let us imitate them by labouring to fix the position of the Church for our own time according to the conditions and the prognostications which the time itself not offers only, but rather thrusts and forces on our view.

139. By some—as, for example, by Roman Catholic writers—it may be said that the account here given is a plain admission that the Church of England under Henry VIII. deliberately consented to enter into a condition of slavery. Now, whatever the condition was, they are right as to the fact that there was a consent of the Church to certain most important terms. And it is necessary to put the fact prominently forward, were it only because there is a notion at the present day, that to talk of the Church as consenting to be dealt with in this or that manner is like saying that gold-leaf had consented to be beaten, or wool to be carded. There is a notion, no less unhistorical than unreasonable, that the Church never had any independent rights with which to part; a conception which it is necessary to shut out in express words, because its singular convenience in eking out defective arguments makes up for its injustice and its falsity. The Church did, as the Roman Catholic controversialists truly allege, consent to the state into which she entered at the Reformation, so far as that was fixed by statute. The fact is important; because if she once had these independent rights, her former possession of them at once suggests the further question, whether, and under what circumstances, she might be bound in duty to resume them.

140. And the fact is even more clear, than it is important. It was no tacit, no obscure, no hurried, no equivocal consent. It was a deliberate consent, after con-

sideration upon the several heads which have already been recited. And with respect to all that part of the consent which touches legislative power, the 25th Henry VIII. cap. xix., having fully set out in the preamble the submission and petition of the clergy, commences the enacting part with the words, "Be it therefore now enacted, by authority of this present Parliament, *according to the said submission and petition of the said clergy;*" and it then proceeds to provide accordingly.

141. That reputed contract, therefore, between Church and State, which in general does no more than construe into words what has been theretofore expressed in acts alone, and which is, in fact, the philosophy of history in one of its particular departments, is in the present instance a literal as well as a virtual truth, so far as relates to the terms of the consent, submission, and petition of the Convocation, to the acceptance of them by the King and Parliament, and to whatever was truly and constitutionally involved in that acceptance. The subsequent review of the laws ecclesiastical, indeed, has no longer any effect for us, as the scheme ultimately failed of effect, and has now no legal or practical being; and the particular title of Head of the Church has been wisely exchanged for the more modest and true appellation of Supreme Governor of the Church of England.* But, subject to these two limitations, the above-named consent of the clergy has become the law of the land; and the responsibility of it, whether for good or for evil, or for both, has descended upon the English Church, and upon its clergy of the present day.

142. Doubtless the treaty (so to speak) between the

* 1 Eliz. c. 1, s. 19.

civil and the ecclesiastical power, which was elaborated in words so remarkable by the men of that day, was a treaty of the kind which in the law of nations is called real, a treaty intended to bind the successors without limit of time.

But doubtless, also, it was a conditional treaty. Its conditions were partly expressed in the framework of the several statutes of the epoch, partly presupposed, and experimentally known, in the subsisting constitutional system.

143. Not that any slight changes in the law, or any changes, however great, which might consist with the spirit of union and harmony between Church and State, and with the due and free discharge by each of its essential functions, ought to disturb the foundations of that settlement. But changes which do not so consist, must evidently at a certain point of their progress bring the settlement itself into question.

144. It may be said that to speak of a treaty as subsisting between the State, which is sovereign, and the Church, which is subject, appears a licentious use of terms. For treaties must be between powers actually, as well as originally, independent. Yet we speak of the treaty of Union as a binding one between England and Scotland, although both are now, in their separate capacity, subjects, and the Imperial Legislature alone is sovereign; and circumstances are conceivable, though in the highest degree improbable, which might justify and even require the dissolution of that treaty, and the resumption by each nation of its original independence.

145. But if we waive this argument, and regard the Church as simply subject, the rights of subjects, whether as individuals or as bodies, to have the laws of a country

adjusted from time to time, according to the dictates of reason and justice, are not the less certain and sacred because they are indeterminate or unwritten; on the contrary, they are both certain and sacred in the highest degree, of which any right growing out of human relations in society can admit.

146. Besides, it is impossible in any case to forget this, —that the absolute independence of the Church, in regard to legislation, had never been definitely surrendered by her on any earlier occasion. At that particular epoch, she agreed by compact to do what she had formerly done by discretion only. When she made that agreement, it was in her power not to have made it. By making it, she did not—nay, without forfeiture of her essence she could not—acquit herself of the obligation at all times to judge and to act, in relation to the State and in all other relations, as the fulfilment of her essential purposes might require: because that obligation was founded, not merely in her right to prolong her historical existence, but in the perpetual ordinance of God, imposing on her various members duties towards one another, which were of the primary law and conditions of her being. And as no assembly of parents, which might ever so formally bind itself to give over to the State the charge of their infant progeny, could be justified in adhering to so unnatural a compact, so no assembly of Bishops and clergy, inheriting the injunction of Christ to feed His sheep and His lambs, could, by any agreement whatsoever, make over to any other body than the Church herself that feeding office, or in the smallest degree derogate from their own awful responsibility for its fulfilment. If they made such a compact as was originally to that effect, it was null and

void *ab initio*. If they made, as they did make, a compact which originally was not to that effect, but which might or may become so, then from the moment when it has so become, it is null and void in spirit, and its nullity and avoidance in spirit would entail upon them, as their first duty, likewise to put an end to it in form, at the earliest moment practicable after the facts should have been clearly established.

147. It has appeared, then, that the statutes of the Reformation disavowed any aim at establishing a system of principles novel in our law touching ecclesiastical jurisdiction. They sought to provide effectual safeguards on behalf of the State, for the principles on which British law had theretofore been founded, but which the exorbitant power of the clerical estate tempted it, notwithstanding repeated acknowledgments, from time to time to question.

[It has also appeared that, while these safeguards have undoubtedly answered their purpose of securing the State from encroachment, they have not, until the recent disastrous instance, which is now agitating and threatening to rend the Church, brought its faith into jeopardy by any doctrinal decision at variance with the declarations of her own organs.

148. It now, however, appears that the actual machinery provided for the decision of doctrinal questions on appeal, has yielded a result in the Gorham case which, had the Court been one binding the Church *proprio vigore*, would, according to high authorities, have involved her in the guilt of heresy. And since this is not, as has been most unreasonably alleged, the proper, though late, fruit of the late statutes and instruments of the Reformation, but the consequence of deflection from their spirit, their

letter, or both, it becomes us carefully to examine the nature, the amount, and the steps of that deflection.]

149. Let us, then, assume as our starting-point, that which the reason of the case and the law of the land appear to indicate as a just one; namely, the Statute of Elizabeth. Of course, those particular enactments of former reigns which still subsist must be taken into view, but not such as have been repealed. The general idea of the Royal Supremacy, for which the Reformation has to answer, ought in fairness to be taken from such laws and acts as remain, not from those which have passed away. This idea I take to be represented in the universal annexation of corrective jurisdiction to the Crown; in the establishment of the control of the Crown over ecclesiastical legislation; and, on the other hand, in the reference of those measures to the single principle, that they were part of the ancient rights of the Crown of England, and in the formal assurance that no other than those ancient rights had been, or would be, claimed.

150. Since that time, three material changes have been made in favour of the Church—namely, the following:

First. That all ecclesiastical jurisdiction, except that of the last resort, should be exercised, not only by the instrumentality, but under the direct authority, of the Archbishops and Bishops.

Secondly. That the Court of High Commission has been abolished, and all such courts condemned in sweeping terms by the Bill of Rights. For, although Lord Coke contended that the issuing of such a commission lay within the ancient prerogative of the Crown, Bishop Stillingfleet, observes Mr. Stephens,* has shown that the cases

* Stephens's 'Eccl. Statutes,' vol. i. p. 357 n.

quoted by him do not come up to the point; and, at any rate, what is material to our present purpose is to remark, that in such Courts the Crown proceeded *in primâ instantiâ* against persons by ecclesiastical censures, which it has been unable to do since their abolition.

Thirdly. That the work of visitation, involving so much of the ordinary government of the Church, soon ceased to be employed as at the immediate bidding of the Crown, and for the purposes of ordinary government in the Church; and its executive acts, in virtue of the Supremacy, have been reduced by the course of practice within a very narrow compass, and now have relation to matters of necessary form, although even these are not wholly unattended with embarrassment.

151. But there have been other, and much more important changes in the opposite direction.

The greatest of these has been the suspension of the sittings of Convocation.

The legislative power in any body or society, which is the highest power, is also the proper instrument for correcting the errors which may be committed by the inferior powers, whether executive or judicial.

So long as a legislative power is in a state of activity it may securely entrust to the Executive the ordinary control of the administration of justice; and if any serious errors are committed, there are early opportunities of correction.

But, when the legislative organ has been permanently suspended, every other power in the body passes gradually into a false position. The eye of the supreme supervision is closed. A great void, in the first instance, is created. Of the power taken from its lawful owner, much remains waste; part passes to the civil legislature, part becomes

licence in the hands of private persons, part falls to the executive governors, and lastly, part to judges, who, under such circumstances, tend more or less, and quite independently of faulty intention in themselves, to become makers rather than interpreters, and thus masters rather than servants, of the law.

152. This evil is especially serious, when the ultimate judicial authority is lodged in a quarter, where the welfare of the body affected by that authority must ordinarily be not the first, but a secondary consideration. We are thus brought to consider the second great change, adverse to the Church, which has so greatly changed to her disadvantage the position defined for her at the Reformation, namely, the change in the personal composition of the Nation and of the State. She then contracted with a State, of whose policy it was a capital part, that all its members should be her members too; and her members, moreover, not by a nominal profession only, but through a membership tested in the most searching manner by periodical participation, subject to public discipline, in her highest ordinance. And that this circumstance entered essentially into the considerations upon the strength of which she made her bargain, we may well judge, not only from the writings of her divines bearing upon the subject, but from the tenacity with which her governors resisted the toleration of Dissenters, and their admission to political privilege. It is to be hoped and presumed that they did not do this from selfishness and pride. At any rate it is obvious that what they resisted was a claim not merely to civil privileges, but to the exercise of powers that included much control over her own destinies, and that, augmenting their pretensions by slow degrees, have now fastened upon her the degrading imputation, that she has

given over the decision of the doctrine of Christ into the hand of the powers of this world, and has vilely sold to Cæsar the things that are of God's own image and possession.

153. While the pretensions of the State have been in constant growth, its composition has rendered it progressively less fit to exercise even the qualified functions it had before possessed. Divisions of opinion have multiplied; the nation is broken up into many sects and religions; all claim the equal exercise of political power, and nearly every claim has been admitted; so that with respect to those which remain unacknowledged, there are many who think that we offend seriously against the principles of social equality by withholding them; while on the other side no real principle is involved in a continuance of that refusal.

154. The third great change in the position of the Church is from this: that the personal will of the Sovereign has lost its ancient place in the constitution of the country.

The Church had at the Reformation, and now has by law, the presumed security, that the Sovereign shall be a member of her communion. When, therefore, the individual conscience and conviction of the Sovereign was recognised as a powerful element in determining the course or policy and legislation, the Church might well look upon this relation to the Crown as a most important safeguard.

155. But the altered position of the Crown has gradually been reducing, and has now perhaps destroyed, the value of such a safeguard. The Sovereign, whom the English Church in the first days of the Reformation acknowledged for her head, was one enabled by his position, and in fact accustomed, to rule with a strong hand the temporal no less than the spiritual estates; and if

there then was danger of her enslavement, it was from him and not from them. That danger she was content to meet, in the strength which her relation to his private conscience gave her. But from the time when Parliament began to coerce the Sovereign to the time when, perhaps we may say in the year 1829, there was no more struggle because the Sovereign had ceased to resist, the Church was drifting from her position; instead of one master she was coming to have many; it is now the majority of the Commons' House of Parliament to which she must look, as being in effect the Crown's capital adviser with respect to the exercise of its ecclesiastical supremacy.

156. The fourth great change in the position of the Church is to be found in the progressive alterations of the composition of the Courts, by which ecclesiastical causes were to be tried. We have seen that it was a fundamental idea of the Reformation that the spiritualty was the proper instrument, according to the constitution, for the administration of Church affairs. The highest legal authority, that of Lord Coke, assures us that upon this principle the judicial system of his time was framed. He says it was most necessary that for deciding finally questions of heresy, clergy-discipline, immorality, and a multitude of others which did not belong to the common law, ecclesiastical tribunals should be established.

157. Accordingly, we find that it was the practice of the Crown, for a long series of years from the Reformation, to act upon the principle *cuique in arte suâ credendum* as regarded spiritual, not less than temporal matters. And so it is understood that the Court of Queen's Bench would still act, if the presentee to a living, applying for a *quare impedit*, were impugned by the Bishop on the ground of heresy.

158. The most important functions of the ecclesiastical judicature, connected with the State, were discharged, from the Reformation till the Great Rebellion, by the Court of High Commission. We are told that, during the Tudor period, these Commissions were not enrolled in Chancery, "lest their lawfulness should be impugned upon such a publication."* It may therefore be difficult to ascertain exactly, what the composition of this Court may have been on each occasion of its appointment. But the detail is hardly necessary, inasmuch as we know that it was always regarded as the great engine of episcopal oppression by the opposite party, which clearly shows what influence predominated in it. Neal mentions its even meeting at Lambeth. Strype names twenty-eight of the persons in the Commission of 1576. Of these, ten appear to be Bishops, six other clergy, eight civilians, four judges and officers of State. But the enumeration is incomplete.† With the Court of High Commission in 1640‡ fell the original jurisdiction of the Crown in matters ecclesiastical. It had originally been exceptional, according to Lord Coke, and the power given to appoint it had reference to the peculiar crisis in the Church at the commencement of the reign of Elizabeth. The words of the Bill of Rights seem to imply that, even when legal, it was unconstitutional.

159. The appellate jurisdiction was exercised through the medium of the Court of Delegates. There is no example, we are told by Bishop Gibson, of any peer or common law judge appointed to any commission before the seventeenth century, and not more than one in forty

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* Brodie's 'British Empire,' i. 157; 4 Inst. 326, 332.
† Strype's 'Grindal,' p. 309. ‡ 16 Car. I. c. 11.

commissions down to the Great Rebellion.* The records of the Court now available commence in 1609; and during the whole period of two centuries and a quarter, down to 1832, there appear to have been before it only three cases of heresy.† The Commission of 1712, in Whiston's case, comprised five Bishops, five civilians, and three common law judges. It thus appears that there had been a considerable change within a hundred years, but still the two main elements of the Court were Bishops and ecclesiastical lawyers. Although the cases of heresy tried, between 1609, when the records of the Court commence, and 1832, were only three, and all these without any issue: although there never was a question tried before that Court approaching that of Gorham *v.* the Bishop of Exeter in dignity or importance, yet to the very last that Court retained this not unimportant token, at least, of the character of a Court spiritual—that its judges, for whatever causes, were mainly civilians. In the time of Blackstone, as he himself has told us, the case stood thus: "This Commission is frequently filled with lords spiritual and temporal, and always with judges of the Courts at Westminster, and doctors of the civil law."‡ And from Haggard's Reports, I find that in 1781, even upon a question whether a marriage might not be declared void on the ground of

* This important statement of Bishop Gibson is elaborately controverted by Messrs. Brodrick and Fremantle in their able Introduction to 'Ecclesiastical Cases relating to Doctrine and Discipline,' London, 1865 (pp. l.–lviii.). It has again been discussed from a different point of view by the Rev. E. S. Grindle, in his 'Church and Realm,' London, Hayes, 1871. My Treatise was published in 1851, and this partial (authorised) reprint appeared in 1865. I have to regret that other engagements disable me at this juncture from entering into the argument. (Author's Note, Feb. 1877.)

† Parl. Paper, No. 322, Sess. 1850.

‡ Blackstone, vol. iii. p. 66.

force and custody, the Commission of Delegates contained three lords spiritual along with three lords temporal, three common law judges, and three civilians.*

160. Enough has now been stated to show that, for a long time, the pledges of the Reformation epoch were not forfeited, and the theory of our great lawyers was kept in vigour by practice, in regard to the vital principle, that the laws ecclesiastical should be administered by ecclesiastical judges. It may, however, be said, certainly the Courts spiritual of a certain era were ecclesiastically composed; but the Crown *might* have composed them otherwise. I answer, the Crown was free to compose them otherwise, but only as it was free to do anything else that is wrong, and that is contrary to the spirit of its trust. The Crown could not have composed them otherwise without acting in violation of the spirit of the Act of the 1st of Elizabeth, and of the letter, not indeed of the enacting part, but of the more solemn preamble, of the Act of the 24th of Henry VIII.

161. If it be asked, why then did later times infuse more and more of the secular element into the Court of Delegates? and why did a commission of bishops and judges recommend that causes in appeal should come to the King in council?—I answer to the first question, that there is scarcely a single precedent of any kind set in the Church for a century after the accession of the House of Hanover, which is good for any purpose but that of a warning: that (for religion) disastrous century, in whose ecclesiastical archives, not yet nearly unrolled, every loathsome abuse

"Hides its dead eye from the detested day."

* Haggard's Reports, vol. ii. p. 436.

162. To the second I reply by adopting the sentiment, which the Bishop of Bangor has recently expressed in a letter to his clergy. The period of a century and a half or more had produced but three causes* for heresy in the Court of Delegates, and none of those causes came to any issue. The first cause, that of Salter against Davis in 1690, was disposed of in another form, by the Court of Queen's Bench. The second, that of Whiston, went to Convocation. In the third, that of Havard against Evanson, in 1775, the appellant desisted. Under these circumstances it might readily be assumed that that branch of the appellate jurisdiction was virtually extinct, and the recollection of it might easily be lost among the multitude of mixed questions, and questions only in name ecclesiastical, for which an improved provision had to be made: and also amid the still greater mass of questions purely civil, that come before the Privy Council in appeal. The trial of doctrine by this Court had become a thing unheard of in the Church of England; and what has just now started forth in giant form, was, when the latest statute was framed, probably overlooked, and (according to the saying) given into the bargain.

It is not too much, then, to say, the appellate jurisdiction in cases of heresy, legally enacted at the Reformation, has never actually lived. Thrice only has it moved; and thrice without effect.

> "Ter conatus erat circum dare brachia collo:
> Ter frustra comprensa manus effugit imago
> Par levibus ventis, volucrique simillima somno."

163. In the year 1832 an Act† was passed which

* Parl. Paper, No. 322, Sess. 1850.
† 2 & 3 Gul. IV. c. 92.

transferred the powers of his Majesty in Chancery over ecclesiastical causes to his Majesty in the Privy Council. This change had been recommended by the Commission, which sat in 1828 to inquire into the state of the ecclesiastical law. It does not appear what was the precise view of that Commission as to the mode in which these causes were to be tried, since there was at that period no fixed or statutory Court of the Privy Council. But the presumption is, that they contemplated the reference of all such matters to the two Metropolitans and the Bishop of London, together with the Dean of Arches and Judge of the Admiralty, both of whom must necessarily have been bred in Doctors' Commons, and the latter of whom has frequently been also Judge of the Consistory Court of London; possibly also with the addition of the Lord Chancellor, or one of the common law judges.

Whether a good Court or not, this would still without impropriety have been called an Ecclesiastical Court; and its institution would not have destroyed, though it would certainly have obscured and impaired, the principle established in law and history by the Reformation. We cannot, however, do justice to the Commission without bearing in mind, that they did not intend this Court to be a tribunal for the trial of heresy.

164. But in the year 1833* it was enacted that all causes coming to the King in Council should be tried by a Committee, to be composed of at least four out of a number of persons, of whom all must be laymen: a very small proportion only could be civilians; none of the rest, except the Lord Chancellor, need be members of the Church of England. Nay, the Court might actually be

* 3 & 4 Gul. IV. c. 41.

composed in any given case of persons holding their offices only during the pleasure of the Crown, that is to say, of the Minister of the day.

165. This court, then, was a Court essentially civil, not only in the sense in which, as Lord Coke observes, the Bishops' courts, the court of the lords of manors, and others, are all nevertheless King's courts, but also because its personal composition was in substance temporal: the lay ecclesiastical lawyers, who should have but a secondary place by the side of Bishops or divines in a court for the trial of doctrine, were here the only element at all related to the subject-matter; it could be but an insignificant one, and not even a single civilian need by the constitution of the court have sat upon the Gorham case. It is vain to lay stress upon the unmeaning arrangement for the presence of bishops at the hearing of such a case, which has been unduly embellished with the name of assessorship. For, first, they are few in number; secondly, so many other qualities are of necessity to be regarded in the choice of archbishops, and likewise of filling the see of London, that the three persons, who are officially Privy Councillors, can very rarely be the best theologians of the Episcopal Bench; thirdly, their presence is not required by law; fourthly, they are no assessors at all, have no defined function, and need not when present be consulted at all, or may be consulted on the small points and not on the great ones; fifthly, the whole system of such consultation is secret, and irregular, and in the highest degree irresponsible, and no blessing can be expected to follow it.

Since I wrote thus far, Lord Brougham has declared from his own recollection that the conjecture already made was correct; and that cases of heresy were not

taken into view at all on the passing of the Act of 1833.

166. Here then we have arrived at a plain and gross violation of the principle recited in the preamble of the 24th Henry VIII., that the spiritualty, according to the constitution of the realm of England, administered the law spiritual, as the temporalty administered the law temporal; the principle declared by Lord Coke, that the King administers his ecclesiastical laws by his ecclesiastical judges, a principle of universal application, but of the most especial and vital application, it need hardly be observed, in the trial of doctrine. And thus I arrive at the answer to my second question proposed at the outset, namely, this, that the present composition of the appellate tribunal, with regard to causes of doctrine, is unreasonable, unconstitutional, and contrary to the spirit of the Reformation statutes.

167. But we come now to the third question. Is the Royal supremacy, according to the constitution, any bar to such an adjustment of the appellate jurisdiction as should qualify it to convey the sense of the Church in matters of doctrine?

I answer in the negative, and for several reasons.

First, and mainly, because the Royal supremacy was constitutionally exercised in ecclesiastical causes by ecclesiastical judges. Whether therefore we regard the appellate jurisdiction as a part of the supremacy simply restored to the Crown, or as having its origin in the statutory enactments of the 24 and 25 Henry VIII., it matters not, in so far as that in the former case, no less than in the latter, the constitutional mode, of its exercise through ecclesiastical judges is clearly pointed out.

The culminating point of the supremacy was in the

reign of Edward VI.; yet this was the epoch, at which the *Reformatio Legum* announced to the world that the decision of grave causes of doctrine was to be intrusted to a Provincial Council.

168. But secondly, Are we quite sure that the appellate power is a part of the Royal supremacy in matters ecclesiastical at all? I propound this question of course with deference; for Blackstone tells us, "as the head of the Church, the King is likewise the *dernier ressort* in all ecclesiastical causes."* It would perhaps have been too bold to propound it at all, had Blackstone apparently paid much attention to the point; but he does not appear in any manner to advert to the plain fact that the King had not been declared head of the Church when the appeal was given, nor to have taken it into his view, that the statute, which attaches that title to the Crown, had not been in force for two centuries before he wrote.

It is, with a view to clear comprehension of the case, a question of the highest importance, What is this appellate jurisdiction of the Crown?

169. It did not historically flow out of the doctrine of the supremacy. It was not established in terms affiliating it to such a parentage. On the contrary, it was established before the legal doctrine of the Reformation concerning the supremacy was announced by the law, and in terms demonstrating its much nearer relationship to a power well known to the canon law, thoroughly incorporated in the system of the Gallican Church, while there was a Gallican Church, and founded in the first necessities of the social order.

The High Commission Court, not the Court of Appeal,

* Blackstone, vol. i. p. 280.

was the genuine offspring of the statutory provisions concerning the supremacy, and it exercised an original as well as a final jurisdiction. It first appeared in the first year of Elizabeth.

170. The course of appeal was determined by statutes of 1532 and 1533, while the statute declaring the King's headship was not passed till 1534: it was by that statute, and not before it, that all lawful corrective ecclesiastical jurisdiction was annexed or attached to the Crown.

The statute of 1532, 24 Hen. VIII. c. 12, provided* that certain appeals should not go to Rome, but should be from the archdeacon to the bishop, and from the bishop to the archbishop, in his court to be "definitely and finally ordered."†

The Act of 1533, 25 Hen. VIII. c. 19, extends these provisions to all ecclesiastical causes,‡ and then gives an appeal to the King in Chancery, with the remarkable expression that it is to be "for lack of justice" in the archbishop's court.§

171. Now this appeal for lack of justice is very nearly a translation of the French *appel comme d'abus*. The expression is not employed by the statutes in giving the appeal to the bishop or archbishop; and it can hardly have been introduced into the later Act without a special meaning.‖

I am far from presuming to assert that this appeal was identical with the *appel comme d'abus*. But it seems clear, on the other hand—1. That it was appointed in a sense

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* Sect. 4. † Sects. 5, 6.

‡ Sect. 3. § Sect. 4.

‖ There is a marked analogy to the language of the Constitutions of Clarendon: "Ab archidiacono debebit procedi ad episcopum, ab episcopo ad archiepiscopum, et, *si archiepiscopus defuerit in justitiâ exhibendâ*, ad dominum regem perveniendum est postremò," &c. (Art. VIII.)

distinct from that of the common and purely ecclesiastical appeal: 2. That the *appel comme d'abus* was by no means merely analogous to the power of prohibition exercised in our common law courts for the protection of civil rights. Van Espen says:

"*Instituuntur appellationes ab abusu, cum adversus decreta conciliorum, receptas consuetudines, et jura regni, aut jurisdictionem regiam, Judex Ecclesiasticus aliquid per abusum attentat; quod his verbis a Pragmaticis efferri solet; cum violantur Decreta, constitutiones regiæ, et Libertates Ecclesiæ Gallicanæ.*"*

This description of appeal arose in France, as did the appeal in England, in the earlier part of the sixteenth century, under Louis XII. and Francis I. The clergy of France laboured to obtain a definite enumeration of the matters in which these appeals should be allowed; but the Crown always answered that the right was general.

172. At any rate let this be observed; the Crown possesses the appellate jurisdiction, if we construe the two statutes 24 and 25 Henry VIII. together, under the express cover of the remarkable preamble that assigns to the spiritualty the administration of ecclesiastical laws: and in conformity, as we have seen, with this preamble, was the appellate jurisdiction for a very long period actually exercised.

[Let this be so again in the matter of heresy. The sense of the Church will be sufficiently expressed, and the Royal Supremacy consistently maintained.

173. Those, who have given their adhesion to the system of Church and State as it has existed in England, may, it is possible, have conceded too much to the civil

* Jus Eccl. Univ. part iii. tit. x. cap. iv. sect. 30.

power in respect of controul over legislative and judicial action in the Church.

But this, at any rate, must be plain to all who think that God has revealed a certain doctrine and appointed an organ for its propagation, that such a scheme as the scheme of the Reformation has here been described to be, and as probably prevailed more or less at former periods of the history of the Church, absolutely requires and presupposes in order to its justification on principle, or to its practicability in action, a prevailing and pervading harmony in the composition of the Church and the State respectively.

174. Whether or not, when such a harmony prevails, the Church can be justified in consenting to act only within the bounds and for the effects to which the State is willing to attend her with its civil sanctions, it is plain that a system of the kind becomes unchristian and even directly immoral, as opposed to the first dictates of conscience, when the State is composed in great part of those who do not own the authority of the Church at all, and when, in the minds of a further and larger portion of the community who profess her name, the idea of their relation to her has become a merely social and legal idea, and no part of the creed in and by which they hope for salvation.

The proposal to introduce in some form, and that form the one most favourable to the State and its influence, the voice of the Church into the trial of doctrine, is one that tends not to aggrandisement, and not to strife, but on the contrary to peace.

175. It can hardly be expected that those who acknowledge a spiritual allegiance to the Church will either waive their own convictions, or yield their place within her pale,

because, under a very recent law, there has appeared the wholly novel phenomenon of a court essentially temporal in the act of declaring the doctrine of the Church in a matter of the highest nature, and in a sense opposed to that of the Catholic faith: and especially when the lessons which they learn from the history of their country, induce them to believe that the statute creating that court is truly and properly, with reference to the present purpose, an unconstitutional statute; the cause, as we now know, having been an oversight on the part of its framers.

Let us consider a little, then, two points: first, whether it is unreasonable for those who are now shaken in the very groundwork of their ecclesiastical position to press with urgency for a change in the law, rather than to abandon the communion of the Church; secondly, whether that change may the more fairly be prayed for, on the ground that the system now prevailing for the trial of causes of heresy, although legal, is unconstitutional.

176. As to the first, when we consider how the passions of parties contending for what they conscientiously and dearly prize, are apt to be inflamed, and how, with inflamed passions, men must needs make false estimates of their reciprocal positions, and unreasonable demands each upon the patience and liberality of their opponents, it is not difficult to understand the displeasure of those who say, "Let the opponents of the judgment in the Gorham Case either be contented with the liberty still allowed to them as well as to their antagonists; or let them leave the Church, in which, with 'consciences set upon air-triggers,' they are disturbers of the public peace on behalf of their own private opinions."

177. But let these persons be calmly prayed to recol-

lect, that there is in the conviction of their brethren, to whom they thus appeal, a certain body of revealed truth given by God to man, and defined in an intelligible manner for his use, which it is not only the specific office but the divine commission of the Church to teach, and to which the doctrine of baptismal grace belongs. Now, *if* these things be true, then to propose that the faith and its opposite in any particular article shall be placed on equal terms within the precinct and by the law of the Church, is simply to demand that she shall betray her office. It is precisely—however startling the comparison may appear—what it would be, relatively to the marriage state, to enact that fidelity might be maintained in it, but that adultery might also be practised at the option of the parties.

178. It is a process to which if the early Church of Christ would have submitted, she never need have seen her children mangled in the jaws of lions, or writhing on the stake or in the flame. But then it is also a process which would have turned the dwelling-place of the living God into a Pantheon: it is therefore that which simply could not be; because it is contrary to the words which His hand had graven upon the Rock with a pen of iron—"The gates of hell shall not prevail against it."

The question, whether those things be true, is one of Christian doctrine, not to be argued here. The world may not respect it as the belief of Christendom; but they surely will respect it as the private persuasion of free men held under the charter of British liberty, and in conformity, as those men are convinced and ready to maintain, with all British history and law, down to our own day.

It would therefore be vain to ask of them to do that

which, as will be seen, is at utter variance with their own fundamental principles.

179. They, who view the Church as a voluntary association of men for the purposes of what they think to be the Christian religion, may well, for the sake of peace, be minded, under supposable circumstances, to quit it, and to form another such voluntary association, as they would take a new house, or choose a new coat when they might think fit so to do.

But they, who regard a given body, called the Establishment, as being likewise the Church, and as therefore charged with the care and nurture of their souls, cannot go out of her, until she denies the Faith, and ceases to be the Church, so that they must seek the Church elsewhere.

With them, I apprehend, it never can be a matter of option or policy whether to leave the Church, as established by law, or not. Whatever permits them, will likewise drive them to depart. Whatever permits them, will likewise bind them to remain.

180. It seems therefore not unfair, that they should ask that the matter may in some way be brought to a definite issue; and that the Church, if not in a perfectly free assemblage of all her orders, yet at all events by the mouth of her Bishops, may be allowed to say what is her own doctrine.

It is not for the love of strife that they ask it; but it is for the love of peace: for the love of truth certainly, but of peace also. These two great impulses will be found entirely accordant in a case like this, so soon as the Church shall have spoken: if she spoke that which they will not contemplate or name, truth would oblige them to depart in peace; but on the other hand, as long as she is

prevented from speaking, there can be no peace with those who would so prevent her, and who would leave them only these two alternatives, to remain in the Church with doubt as to her faithfulness, or to quit it with doubt as to her treason: and so to have a safe conscience either way. This would be a mode of conduct going far beyond the licence of any social conflict; a refinement of cruelty far surpassing the vulgar violence of physical torture; an engine, too, of demoralisation in its working on individual consciences, such as, I should hope, it would be the recognised and common interest of us all to exclude.

181. And now is it unreasonable to say, that the law under which this Judgment has been given is contrary to the principles of the constitution? These words have not been vaguely used. The great primordial charter of the Reformation declares, that the spiritualty of England is the body properly qualified and entitled to administer the law spiritual of the land: as the temporalty administers its laws temporal. And this is the maxim on which, for many generations from the Reformation, our practice has actually been founded: the maxim which has been enunciated as indubitable by the greatest oracles of law; the maxim which in substance, and with little other modification than the admission of the legal element in the persons of civilians, exclusively prevailed until times comparatively recent; the maxim which, even for causes only in name ecclesiastical, predominated in the constitution of the Court of Appeal until the time within our own recent memory, the time not yet reaching the term fixed for a title by prescription to the smallest morsel of property, when the Court of Delegates was abolished, and (one year later) the Judicial Committee of the Privy Council was erected.

182. Will it be said, all this movement, away from the

statute of Henry VIII. and the maxim of Lord Coke, which is here called abuse, has really been progress and improvement? Surely it has not the signs of either. It has grown up in the worst times, the worst for religion and morality; and now that religious life is vigorous again, the materials of a strong resistance are in existence, and in vigour too. It came on in times, when indifference as to faith was spreading its deadly poison. Caring for none of those things, men did not bring heresy into question before courts. Not bringing heresy into question, nor dealing with morals, it was no wonder that for the scarcely spiritual, scarcely ecclesiastical, causes, which were the common business of the Court of Appeal, they thought less and less of the spiritual element in its composition. But again. That composition offends against first principles. It takes away the function of advising the Crown upon matters of theology from those, who are conversant with it; and commits it to those, who are not. I speak here the language of the political sphere; a theologian might have justly said, it takes the function from those who had both a divine and a human title to its exercise, and gives it to those who never had the first, have but just got the last, and have got it nobody knows how.

183. The transference, then, of these functions to the Court of Privy Council is not progress, but retrogression and decay. The maxim overthrown and disregarded is not one antiquated and unfit for these times, but one deeply founded in the nature of things, and in right human and Divine. It being such a maxim, justly may we say, that the statute, which thus tramples in the mire, is an unconstitutional statute. It is a statute as truly unconstitutional as would be our investing the Executive Government with the right of taxation, or with the dis-

pensing power; as was one which, in the time of Henry VIII., gave to the Royal Proclamation the force of law: or one which, in the time of Charles I., perpetuated the Long Parliament.

184. These great maxims, fixing the relations of the chief forces that govern the community, these maxims in which we see Reason planting the land-marks of history for man, are the *leges legum*, the ὑψίποδες νόμοι of the ancients—

> ὧν Ὄλυμπος
> πατὴρ μόνος, οὐδέ νιν
> θνατὰ φύσις ἀνέρων
> ἔτικτεν·*

—they are not impaired by change, but they convict and condemn change: drift away from them imperceptibly we may—it is our misfortune and our imperfection: but when a critical period has arrived, and the facts of our position are disclosed, it only remains to do as has been done in all our great periods of legislative reform, solemnly to renew our covenant with the truth, and to hand on the sacred torch, when it has been rekindled by our care, to the generation that is succeeding us in the eager race of life.

185. The only consideration, that could justify the Church's acquiescence even for a time in the continuance of such a state of things as that established by the Acts of 1832 and 1833 in their joint effect, was, that it should have worked well: that is, that the temporal judges, most indecently intrusted with the construction and application of laws strictly spiritual, should have cured by their own discretion, and that of such ecclesiastical advisers as the Crown might assign to them within the terms of the Act,

* Ed. Tyr. 866.

the monstrous solecism of their appointment, and should have either affirmed the judgment of the Church Court below, or at any rate, if points of law, properly so called, required them to depart from it, should have not departed also from the Faith, or undermined its obligatory power. But it has been ordered otherwise; and, under the express sanction of the two English Archbishops, the Committee has reported to the Crown with the effect, as it appears, in the judgment of high spiritual authorities, of wholly cancelling the obligation to teach within the Church of England that article of the Christian Faith which declares the remission of sins by the Sacrament of Baptism.

186. It undoubtedly *allows* that article of faith still to be taught; an apology which is vauntingly put forward, and can only be received in profound sorrow, because, as an index of the state of mind from which it proceeds, it has a mournful and a deeply ominous significance. It reminds one to ask the question, why was the Gospel the object of persecution in early times? Was it because of the bigotry and exclusiveness of the statesmanship of the day, or of the mythology to which the world gave its countenance? No; but because of its own exclusiveness. That which is the truth teaches the doctrine of love to all persons; but by virtue of that love it teaches also to hate the errors which mislead, and the delusions which blind them. The truth therefore is necessarily exclusive of its opposite; and to propose a peace between them is simply a disguised mode of proposing to truth suicide, and obtaining for falsehood victory. For truth itself, when not held as truth, but as a mere prize in the lottery of opinions, loses its virtue; that, namely, of uniting us to its fountain; since it is not by any mere abstractions, whether false or true, that we are to be healed, but by being placed in

vital union, through the joint medium of His truth and His grace, with the Source of healing.

187. Yet it is devoutly to be hoped that the Church, while she must ask for all that is needful for the vindication of her faith, and must support the petition by the tender, if necessary, of all her worldly goods as a price for that Pearl for which she is but the setting, should demand no more; and should rule upon the side of peace, obedience, and acquiescence, every doubt that does not reach to the very charter of her being.

That which she is entitled in the spirit of the constitution to demand, would be, that the Queen's ecclesiastical laws shall be administered by the Queen's ecclesiastical judges, of whom the Bishops are the chief; and this too under the checks which the sitting of a body, appointed for ecclesiastical legislation, would impose.

188. But if it is not of vital necessity that a Church legislature should sit at the present time; if it is not of vital necessity that all causes termed ecclesiastical should be treated under special safeguards—if it is not of vital necessity that the function of judgment should be taken out of the hands of the existing court—let the Church frankly and at once subscribe to every one of these great concessions, and reduce her demands to a *minimum* at the outset.

Laws ecclesiastical by ecclesiastical judges, let this be her principle; it plants her on the ground of ancient times, of the Reformation, of our continuous history, of reason and of right. The utmost moderation in the application of the principle, let this be her temper, and then her case will be strong in the face of God and man, and, come what may, she will conquer.

189. The form of the petition as it has now been

framed by the wisdom, and sustained by the consenting voice of the Bishops, is that before us in the Bill lately on the table of the House of Lords: it is a petition that the Judicial Committee shall remain unaltered in its composition; that it shall still be the single organ for the decision of ecclesiastical and spiritual causes; but that, judging for itself, and subject only to the ordinary forms of prohibition in case of excess, what matter is matter of mere law, and what of doctrine, it shall refer all points of doctrine when they arise to the Bishops of England and Wales for their report, which when obtained shall be final. Thus much I should have hoped, before the vote of the 3rd of June, was plain: that the State could not feel aggrieved; that the Church would by this measure come far short of securing all that the Reformation gave or left to her, even in this point in which it was supposed least liberal to her interests and honour; and that practically, having no power of her own to say by law on her behalf what matters were matters of doctrine, her whole security against encroachment, under such a law, must depend on the justice and moderation of the judicial tribunals of the country.

190. She would still in fact have her causes decided by the civil tribunals; a dangerous case, it must be owned, in times like these, when the temper of the State as such, by an inevitable necessity, becomes less and less congenial to the spirit of her supreme law that changes not. We must not conceal from ourselves that a great influence would be placed in the hands of those who would preside over the general conduct of the cause, would determine what issues should be referred and in what form of words, would shape every question under the influence of a spirit the least favourable to definite belief, that is, to dogma;

and would ask, again and again, until they had got the answer nearest their views of which the case admitted. If the amendment, suggested by Lord Stanley, were embodied in the measure, the power of the Judicial Committee would remain precisely as it is; but for one I should attach so much moral weight to the deliberate judgment of the Bishops, that I should greatly scruple to refuse the Bill with that amendment.

191. But it would be a gain that these decisions should come from a court avowedly civil rather than from one pseudo-ecclesiastical.

It would be another gain that this civil court should by law be bound to refer questions of doctrine to the episcopal body, which again might very properly be bound to treat them in the manner most formal, and best calculated to insure deliberate and judicial answers to those references. Whatever may be thought of the influence of the majority of the House of Commons over episcopal appointments, and of the prospects of the Church in connection with its exercise hereafter, every such churchman as I have described, who is also a loyal subject, should feel, that if the collective and judicial voice of the Bishops should deliberately utter as matter of doctrine what he individually believes to be contrary to the Catholic Faith, he could hardly claim to carry on a contest with them, as a member of the Church established by law.

It appears then as if this plan, or some such plan as this, represented the extremest point up to which the love of peace, the principle of civil obedience, and a desire to avoid endangering the institutions of the country, might under the circumstances properly carry the concessions of the Church, in the hope of thereby satisfying even the extremest jealousy that the State can feel towards her.

192. And what would be asked of the State? What would that be which it would have to concede? It would have to do for that, which it acknowledges as the branch of the Catholic Church established in England, what it is continually doing for the humblest of its subjects, associated or not, namely, redressing proved grievances, which have arisen from oversight or otherwise. But in redressing this grievance, it would make no special or exceptional recognition of the authority of the Church. It would act upon the analogy of law, sustained and required by common sense, under which it is already the established practice of the courts to waive all pretensions to universal knowledge—to refer questions of law from a court of equity to a court of common law—questions of fact to a jury; and so in the courts of common law, to refer for foreign law to the authority of those who know and teach it; and in particular branches of jurisprudence, as, for example, mercantile or medical, to treat the points which belong to each especial branch of technical knowledge as issues of fact. On this principle it is now proposed to take, with respect to doctrine, the verdict of the Bishops of England and Wales.

193. If, my Lord, it be felt by the rulers of the Church that a scheme like this will meet sufficiently the necessities of her case, it must be no small additional comfort to them to feel that their demand is every way within the spirit of the Constitution, and short of the terms which the great compact of the Reformation would authorise you to seek. You, and not those who are against you, will take your stand with Coke and Blackstone; you, and not they, will yield the weapons of constitutional principle and law; you, and not they, will be entitled to claim the honour of securing the peace of the State no

less than the faith of the Church; you, and not they, will justly point the admonitory finger to those remarkable words of the Institutes:—

"And certain it is, that this kingdom hath been best governed, and peace and quiet preserved, when both parties, that is, when the justices of the temporal courts and the ecclesiastical judges have kept themselves within their proper jurisdiction, without encroaching or usurping one upon another; and where such encroachments or usurpations have been made, they have been the seeds of great trouble and inconvenience."*

Because none can resist the principle of your proposal who admit that the Church has a sphere of proper jurisdiction at all, or any duty beyond that of taking the rule of her doctrine and her practice from the lips of ministers or Parliaments.

194. If it shall be deliberately refused to adopt a proposition so moderate, so guarded and restrained in the particular instance, and so sustained by history, by analogy, and by common reason, in the case of the Faith of the Church, and if no preferable measure be substituted, it can only be in consequence of a latent intention that the voice of the civil power should henceforward be supreme in the determination of Christian doctrine.

It is melancholy, it is full not only of sadness but of shame, to hear men protesting against being bound by a doctrinal report from the Bishops of the Church, who are also and at the same time protesting against objections to a doctrinal report from gentlemen bred in Westminster Hall. Every member of the community, it seems, is on the whole fit for his office, except those whose especial privilege it is that they, more clearly than any other class, act under the direct transmission of a Divine authority.

* Coke, Inst. vol. vi. part iv. ch. 74.

195. I find it no part of my duty, my Lord, to idolise the Bishops of England and Wales, or to place my conscience in their keeping. I do not presume or dare to speculate upon their particular decisions; but I say that acting jointly, publicly, solemnly, responsibly, they are the best and most natural organ of the judicial office of the Church in matters of heresy, and according to reason, history, and the Constitution, in that subject-matter the fittest and safest counsellors of the Crown. I am not ashamed to express the deep alarm with which I regard the consequences of such rejection as I have described, because some of those, among whom the evil would most powerfully operate, are not the pertinacious grasshoppers chattering in the sun, but the goodly cattle silent in the shade.

I do not speak of the recent vote as constituting the case I have in view, but even that vote is no inconsiderable step taken towards a disastrous rupture.

196. We should, indeed, have a consolation, the greatest perhaps which times of heavy trouble and affliction can afford, in the reduction of the whole matter to a short, clear, and simple issue; because such a resolution, when once made unequivocally clear by acts, would sum up the whole case before the Church to the effect of these words: "You have our decision; take your own; choose between the mess of pottage, and the birthright of the bride of Christ." Those that are awake might hardly require a voice of such appalling clearness; those that sleep, it surely would awaken; of those that would not hear, it must be said, "Neither would they hear, though one arose from the dead."

But She that, a stranger and a pilgrim in this world, is wedded to the Lord, and lives only in the hope of His

coming, would know her part; and while going forth to her work with steady step and bounding heart, would look back with deep compassion upon the region she had quitted—upon the slumbering millions, no less blind to the Future, than ungrateful to the Past.

197. And yet, my Lord, I must venture on one word more before I close.

The name of the Count de Maistre has become one of European celebrity. He is one of the writers who have had the very largest share in shaping the modern tendencies of the devout and energetic portion of the Roman Catholics of Western Europe. He is, unhappily, of the "most straitest sect" of that church—of that ultramontane school, which has been from its first origin alike needful and dangerous to the Roman system; and he has defined its principles with even an augmented sharpness, and wound them up to a higher intensity than they had before attained.

Yet listen to the words in which he writes of the Church of England:—

"Si jamais les Chrétiens se rapprochent, comme tout les y invite, il semble que la motion doit partir de l'Eglise d'Angleterre. Le presbytérianisme fut une œuvre française, et par conséquent une œuvre exagérée. Nous sommes trop éloignés des sectateurs d'un cult trop peu substantiel: il n'y a pas moyen, de nous entendre, mais l'Eglise Anglicane, qui nous touche d'une main, touche de l'autre ceux que nous ne pouvons toucher; et quoique sous un certain point de vue, elle soit en butte aux coups des deux partis, et qu'elle présente le spectacle un peu ridicule d'un révolté qui prêche l'obéissance, cependant elle est très-précieuse sous d'autres aspects, et peut-être considérée comme un de ces intermèdes chimiques, capable de rapprocher des élémens inassociables de leur nature."*

* Considérations sur la France, chap. ii.

198. It is nearly sixty years since thus a stranger and an alien, a stickler to the extremest point for the prerogatives of his Church, and nursed in every prepossession against ours, nevertheless turning his eye across the Channel, though he could then only see her in the lethargy of her organisation, and the dull twilight of her learning, could nevertheless discern that there was a special work written of God for her in heaven, and that she was VERY PRECIOUS to the Christian world. Oh! how serious a rebuke to those who, not strangers, but suckled at her breast, not two generations back, but the witnesses now of her true and deep repentance, and of her reviving zeal and love, yet (under whatever provocation) have written concerning her even as men might write that were hired to make a case against her, and by an adverse instinct in the selection of evidence, and a severity of construction, such as no history of the deeds of man can bear, have often, too often in these last years, put her to open shame! But what a word of hope and encouragement to every one who, as convinced in his heart of the glory of her providential mission, shall unshrinkingly devote himself to defending within her borders the full and whole doctrine of the Cross, with that mystic symbol now as ever gleaming down on him from heaven, now as ever showing forth its inscription; *in hoc signo vinces.*

I remain, my Lord Bishop, with dutiful respect,
Your most faithful Servant,

W. E. GLADSTONE.]

London, June 4, 1850.

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